

for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HEATWOLE: Petition of citizens of Faribault, Minn., requesting the removal of the tariff duties on wood, lumber, and coal—to the Committee on Ways and Means.

By Mr. JOHNSON: Petitions of H. E. Heinitsh, jr., and others, of Spartansburg; F. C. Duke and others, of Union, S. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of John C. Cary, in favor of House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

By Mr. JOY: Petition of Adolph Henning, M. D., of St. Louis, Mo., asking for an increase of pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Protest of members of the Monroe County bar, Iowa, against the passage of House bill 16311—to the Committee on the Judiciary.

By Mr. LEWIS of Georgia: Petitions of Hawkinsville Drug Company, of Hawkinsville; R. L. Austin, of Preston, and other druggists, of Finleyson and Abbeyville, Ga., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Savannah Ga., Board of Trade, favoring the bill providing for an additional Cabinet officer, to be known as the secretary of commerce and agriculture—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of Frances Willard Union, of Camden, N. J., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MADDOX: Petition of heir of Levi Crow, deceased, late of Paulding County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heir of William H. Simpson, deceased, late of Polk County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCEER: Papers to accompany bills relating to the correction of the military record of Horace Olmsted—to the Committee on Military Affairs.

Also, papers to accompany House bill 16167, granting a pension to Andrew J. Manley—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16626, granting an increase of pension to Solomon Knight—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of druggists and citizens of Kewaunee and Oconto, Wis., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. OTJEN: Resolutions of Milwaukee Lodge, No. 283, Order of B'rith Abraham, favoring a modification of the methods and practice of immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Tennessee: Petition of citizens of Shelbyville, Tenn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBB: Petition of Eric Pape Post, No. 184, Grand Army of the Republic, Department of Missouri, for the relief of John R. Cochran's Company C, Missouri Volunteer Enrolled Militia—to the Committee on the Militia.

By Mr. RUPPERT: Resolutions of the Manufacturers' Association of New York, opposing the compulsory adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of E. J. Maring and other druggists of New York City, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of the National Association of Retail Grocers, against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Louis P. A. Eberhardt and 80 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Indiana Grain Dealers' Association, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Engineers' Society of Western New York, against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SAMUEL W. SMITH: Petitions of retail druggists of Fowlerville, Lansing, and Davison, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of J. A. Bissinger and others, of Lansing, Mich., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Estacado, Wichita Falls, Benjamin, and Proffit, Tex., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. TRIMBLE: Papers to accompany House bill granting an increase of pension to Mary A. F. Gilmore—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Caroline Hurley—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of the Young Woman's Christian Temperance Union of Penns Park, Bucks County, Pa., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Petition of citizens of Norris City, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Mississippi: Paper relating to the claim of F. P. Brower for mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOTEN: Petition of S. S. Tullis, Grand Prairie, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, January 14, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Journal of yesterday's proceedings was read and approved.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission transmitting, in response to a resolution of May 10, 1902, a statement showing the condition and defects of safety appliances and the practice of operating trains by train or power brakes, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENT OF PRINTING ACT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives requesting a conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend the act approved March 2, 1895, relative to public printing.

Mr. PLATT of New York. I move that the Senate insist upon its amendment to the amendment of the House and agree to the conference asked by the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT of New York, Mr. ELKINS, and Mr. JONES of Arkansas were appointed.

DEEDS, ETC., IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes.

Mr. JONES of Arkansas. I move that the bill with the amendment be referred to the Committee on Indian Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow;

A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips;

A bill (H. R. 14477) granting a pension to John Bruff;

A bill (H. R. 14478) granting an increase of pension to Luman Fuller;

A bill (H. R. 14957) granting an increase of pension to Mathias Custers; and

A bill (H. R. 15006) to amend an act entitled "An act to amend

the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The message also announced that the House had passed a bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, in which it requested the concurrence of the Senate.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the urgent deficiency appropriation bill may be sent to the Committee on Appropriations at once.

The bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. A resolution of the National Live Stock Association has been sent to the Presiding Officer with the request that it be read. Is there objection? The Chair hears none, and the Secretary will read it.

The resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

KANSAS CITY, MO., January 13, 1903.

Hon. WILLIAM FRYE,

President of the Senate, Washington, D. C.:

The National Live Stock Association, representing five billions invested capital, in annual session, to-day unanimously adopted the following:

"Your petitioners, the National Live Stock Association of the United States, representing the breeders, feeders, and handlers of live stock in the United States, desire through you to call the attention of the Senate to H. R. 15922, a bill which provides the Secretary of Agriculture with authority to prevent the spread of contagious diseases in the United States, and to establish rules and regulations for the inspection of live stock to be transported through the United States, and your petitioners would respectfully represent that there is an immediate and imperative necessity for the passage of this law. We would, therefore, urge the Senate to consider this bill at as early a date as possible, and we respectfully ask that said bill be enacted into law."

JOHN W. SPRINGER, President.
CHARLES F. MARTIN, Secretary.

Mr. DEPEW presented petitions of Cigar Makers' Local Union No. 251, of New York; of the Central Labor Council of Jamestown; of Local Union No. 492, of Glens Falls; of Typographical Union No. 62, of Utica; of Cigar Maker's Local Union No. 5, of Rochester; of Bricklayers, Masons, and Plasterers' Local Union No. 78, of Port Jervis; of the Whitestone Association, of New York; of Carpenters and Joiners' Local Union No. 289, of Lockport; of Local Union No. 705, of Syracuse; of Bricklayers, Masons, and Plasterers' Local Union No. 54, of Oswego; of Carpenters and Joiners' Local Union No. 600, of Saranac Lake; of the Longshoremen's District Council, of Buffalo; of Local Union No. 124, of Buffalo, and of Stove Plate Molders' Local Union No. 13, of Buffalo, all of the American Federation of Labor; of Eccentric Firemen's Local Union No. 56, Brotherhood of Stationary Firemen, of New York, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Grange Sard, of New York, N. Y., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of the West Side Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented memorials of the Manufacturers' Association of Jamestown; of the Graff Furnace Company, of New York, and of the Firth Carpet Company, of Firthcliffe, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 9355, of Glens Falls; of Iron Molders' Local Union No. 109, of Geneva; of Cigar Makers' Local Union No. 81, of Peekskill; of Typographical Union No. 268, of Gloversville; of the International Wood Carvers' Association, of Rochester; of Painters, Paperhangers, and Decorators' Local Union No. 357, of Dunkirk; of Local Union No. 498, of Jamestown; of Carpenters and Joiners' Local Union No. 747, of Oswego; of Cigar Makers' Local Union No. 132, of Brooklyn; of the Glass Bottle Blowers' Association, of Olean; of Federal Labor Union No. 10076, of Ilion; of Local Union No. 18, of Schenectady, all of the American Federation of Labor; of Newburg Lodge, Brotherhood of Railroad Trainmen, of Newburg; of Division No. 105, Brotherhood of Locomotive Engineers, of New York, and of Thomas J. Hurley, of Brooklyn, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURROWS presented petitions of sundry citizens of Petoskey, Marquette, and Richland, all in the State of Michigan, praying for the passage of the so-called immigration bill; which were ordered to lie on the table.

He also presented petitions of Local Union No. 579, Brotherhood of Painters, Decorators, and Paperhangers, of Manistee; of Local

Union No. 133, Brotherhood of Electrical Workers, of Detroit; of Local Union No. 1608, United Mine Workers, of St. Charles; of Local Union No. 1, Metal Polishers, Buffers, and Platers, of Detroit; of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City; of the Trades and Labor Council of Kalamazoo; of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City; of Local Union No. 7, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers, of Grand Rapids; of Federal Labor Union No. 8250, of Port Huron; of Cigar Makers' Local Union No. 340, of Traverse City; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Bricklayers' International Union No. 17, of Kalamazoo, and of Grand Rapids Lodge, No. 491, International Association of Machinists, of Grand Rapids, all in the State of Michigan, and of J. J. Edwards, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the State Bar Association of the State of Washington, praying for the enactment of legislation to abolish the circuit courts, to define and increase the jurisdiction of and to simplify appeals from the district courts of the United States, and for other purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 388, of Walla Walla, Washington, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. KEAN presented a memorial of the Essex Trades Council, American Federation of Labor, of Newark, N. J., remonstrating against the enactment of legislation providing for the issuance of revenue stamps on eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 20, American Federation of Labor, of Camden, N. J., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of Local Union No. 315, of Elizabeth; of Carpenters and Joiners' Local No. 325, of Paterson, all of the American Federation of Labor; of Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City, and of Division No. 133, International Brotherhood of Stationary Firemen, of Bayonne, all of the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the American Gas Furnace Company, of Elizabeth; of the Philadelphia Watch Case Company, of Riverside; of the New York Standard Watch Company, of Jersey City; and of the Riverside Metal Company, of Riverside, all in the State of New Jersey, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented the petition of T. E. Vassar, of Elizabeth, N. J., praying for the enactment of legislation recognizing and promoting the efficiency of Army chaplains; which was referred to the Committee on Military Affairs.

He also presented a memorial of the congregations of the Beulah and Knox Presbyterian churches, of Kearny, N. J., and the Davis Memorial Methodist Episcopal and the First Baptist churches, of Harrison, N. J., remonstrating against the enactment of legislation to abolish the anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of J. E. Rhoads & Sons, of Philadelphia, Pa., praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which was ordered to lie on the table.

Mr. KITTREDGE presented a petition of Perry Miners' Union, No. 116, Western Federation of Miners, of Roubaix, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CLARK of Montana presented petitions of the Trades and Labor Council of Butte; of Local Union No. 2, of Kalispell; of Central Labor Council No. 492, of Anaconda, and of the Anaconda Mill and Smeltersmen's Local Union, No. 117, of Anaconda, all of the American Federation of Labor, in the State of Montana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

STATEHOOD BILL.

Mr. QUAY. I present sundry telegrams on behalf of the statehood bill, to be printed in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the telegrams were ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

SPRINGER, N. MEX., January 13, 1903.

Hon. M. S. QUAY, Washington, D. C.:

The whole community here is unanimous for statehood, and we all condemn the subcommittee report for their malicious intention.

J. T. FRESQUEZ.

[Telegram.]

SPRINGER, N. MEX., January 13, 1903.

Senator M. S. QUAY, Washington, D. C.:

There are thousands of old soldiers in New Mexico that served through a long and bloody war to preserve the Union who would like to answer the last roll call a full citizen of a State.

H. B. STEWART,

Thirty-fourth Indiana Volunteers.

[Telegram.]

TUCSON, ARIZ., January 12.

Hon. M. S. QUAY,

United States Senate, Washington, D. C.:

Every taxpayer and every interest in Arizona feels necessity for statehood.

JOHN B. WRIGHT,
City Attorney, Tucson.

[Telegram.]

PHOENIX, ARIZ., January 13.

Senator M. S. QUAY, Washington, D. C.:

We petition Senate to pass omnibus bill unamended. Arizona is entitled to statehood and people are anxious for it. Committee's report is grossly unjust to us. We urge you to stand firm.

M. H. MCCORD, Former Governor.

REPORT OF A COMMITTEE.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 37) for the relief of Jacob Swofford, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6941) granting a pension to James Monty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6942) granting an increase of pension to George Aplin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 6943) to authorize the issuance of patents to settlers upon and occupants of certain lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 6944) to prohibit the sale of intoxicating liquors in the Territory of Alaska, and for other purposes; which was read twice by its title.

Mr. McCUMBER. I present a comparison of high license and prohibition in Alaska in support of the bill just introduced by me. I move that the comparison be printed as a document, and that it be referred with the bill to the Committee on Territories.

The motion was agreed to.

Mr. McLAURIN of Mississippi introduced a bill (S. 6945) granting a pension to C. R. Beardslee, alias Charles P. Barclay; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 6946) granting a pension to H. F. Harrington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6947) to establish a permanent military camp ground in the vicinity of Camp Douglass, in Juneau County, Wis.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 6948) to correct the military record of Samuel D. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6949) granting an increase of pension to Mary L. Jacks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6950) to amend an act entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872; and an act supplementary thereto, approved February 14, 1883; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALGER submitted an amendment proposing to appropriate \$128,400 for the construction of barrack accommodations for four companies of infantry at Fort Brady, Mich., to replace those destroyed by fire, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment relating to the distribution of sets of Federal Cases to the circuit and district courts of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also submitted an amendment relating to the distribution of sets of the Federal Reporter among the officers of the United States Government, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate \$25,000 to enable the people of the Indian Territory to provide an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in St. Louis, Mo., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$40,000 to enable the people of Alaska to provide and maintain an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in the city of St. Louis, Mo., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

He also submitted an amendment relating to the claims of officers of the United States Army for arrearages of longevity pay, intended to be proposed by him to the military appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF COMMISSIONER OF NAVIGATION.

On motion of Mr. FRYE, it was

Ordered, That there be printed 600 additional copies of the Report of the Commissioner of Navigation for 1902 for the use of the Bureau of Navigation.

CHAPLAINS IN THE NAVY.

On motion of Mr. HALE, it was

Ordered, That Senate Document No. 10, Fifty-seventh Congress, second session, be reprinted, and 800 additional copies be printed for the use of the Committee on Naval Affairs.

REGULATION OF TRUSTS OR CORPORATIONS.

On motion of Mr. HOAR, it was

Ordered, That 1,000 additional copies of the bill (S. 6959) for the regulation of trusts or corporations engaged in international or interstate commerce be printed for the use of the Senate.

INJUNCTIONS IN CONSPIRACY CASES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there printed as a document, under the direction of the Secretary of the Senate, the petitions and remonstrances, without the names, for and against the passage of the bills (S. 1118, S. 4553, and H. R. 11090) "to limit the meaning of the word 'conspiracy,' and the use of 'restraining orders and injunctions' in certain cases," and for or against any amendments thereto which have been presented in the Senate during the Fifty-seventh Congress: Provided, That where such petitions or remonstrances are identical in substance with others, only one such petition or remonstrance shall be printed.

CONDITIONS IN ISLAND OF GUAM.

Mr. HOAR. I offer a resolution for consideration.

The resolution was read, as follows:

Resolved, That the President be requested, so far as shall be, in his judgment, not inconsistent with the interests of the public service, to inform the Senate what government is existing in the island of Guam, and through what executive department the powers of such government are now in fact executed and administered;

What, according to his present information, is the number of inhabitants in said island;

Whether there be any persons imprisoned or detained in said island against their will by the authority of the United States;

If so, under what law such persons are detained, and by whose order such persons are detained;

And especially whether any person not an inhabitant of said island of Guam be detained there by the power of the United States against his will; if so, for what offense, and whether there has been any trial or conviction of such offense, or any charge made against such person, and whether the nature or character of such charge has been communicated to such person;

And whether any person is so therein detained for any alleged political offense, or any refusal to take an oath of allegiance to the United States;

And especially whether an inhabitant of the Philippine Islands named Mabini has been detained and be now therein detained, and, if so, under what circumstances, for what alleged offense, and whether such person has been tried for the same;

And, further, whether said Mabini was, according to the President's information, an inhabitant of the Philippine Islands and a Spanish subject on the 11th day of April, 1899, and then a resident in said islands; and whether he be included within the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of the civil government of the Philippine Islands, and for other purposes," being chapter 1369 of the Statutes of 1902; and

Whether as such he is now deprived of liberty without due process of law; whether he has enjoyed the right to be heard by himself and counsel to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf; whether he has been held to answer for any criminal offense without due process of law, and whether he be denied the right of bail as provided in said act.

Also, whether any oath of allegiance be now required of any such inhabitant of the Philippine Islands to be taken beyond the limits of said islands as a condition of being released from imprisonment, or of being permitted to return thereto; and, if so, by what authority said oath of allegiance is required.

Mr. HOAR. The resolution is in substance one inquiring what government now exists in the island of Guam, by what executive department that government is now administered, and especially by what authority and upon what charge Mabini is there detained and imprisoned. That is the whole substance of the resolution. As it is a long resolution, and therefore some Senator may desire to see it, I ask that it may go over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. HOAR. I do not think there will be objection from any quarter to it.

HIRAM C. WALKER.

Mr. CULLOM. I ask leave, on account of the fact that I am out of the Chamber most of the time now in committee, to call up the bill (H. R. 6326) for the relief of Hiram C. Walker. It is a little bill correcting the record of an old soldier whom I have known for many years, and who is a very good citizen and is very poor. I should like to have the bill passed so that he may be able to get the relief he is entitled to receive.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of absence without leave from the name of Hiram C. Walker, late first lieutenant of Company C, Tenth Regiment Illinois Cavalry, and to issue to him an honorable discharge to date from June 18, A. D. 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfellt gun.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on the 5th instant by Mr. VEST, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. TILLMAN. Mr. President, this resolution has been discussed two or three days in the morning hour, and the mere mention of any change in our present tariff schedules has caused the Senator who is recognized as the leader of his party on protection in this Chamber to become more strenuous and to exhibit more animation and feeling and eloquence than I thought that Senator capable of. In my long and pleasant service with him here (and I do not use that word in any perfunctory sense, because I have great regard for the Senator from Rhode Island) I have never seen him exhibit the same degree of earnestness or rise to such flights of eloquence as he has evinced in the discussion of this little, simple, innocent resolution.

I shall discuss the situation with which this resolution deals, not from the standpoint of a free trader, not from the standpoint of a Democrat, other than that I could not occupy any other point of view, but I shall endeavor to put aside partisanship, to sink and to put behind me any feelings of party advantage which might arise from a clearer and better understanding of the situation by the American people.

If the suffering caused by the inability of the people to get one of the main necessities of life, coal, would only enter the homes and hovels of Democrats, and if the blizzard with its icy teeth would only bite the shivering limbs of Democrats, I could understand the callousness and the coldbloodedness of the Senators on the other side in putting above all considerations of humanity and patriotism the maintenance of the sacredness of the Dingley tariff law. But, fortunately or unfortunately, the American people must share alike in the good and ill fortune which comes to them from their own blunders and mistakes and from the failure of their representatives to do what is right and proper here. We can not divorce in our common every-day life the results and effects of legislation so as to let the bad fall on those who are opposed to good, and the good go to those only who are in favor of it. We who are innocent of any complicity in the criminal folly can not "sprinkle our doorposts" or mark them so the angel of death may pass by and not enter, but we must suffer with those who are alone responsible.

The situation is one unparalleled in the history of this country. We read every day of this and that person having been frozen to death. But while the mortality owing to the coal famine is very small, relatively speaking, the consequence is in planting the seeds of disease—of pneumonia, consumption, and other ailments—which will leave a long death roll behind them. This view is the one which should press itself upon us and force us, if need be, to take whatever action is necessary to begin reform, to commence some practical programme of relief to the people.

The tariff on coal cuts very little figure. The 67 cents a ton which is paid by foreign coal coming into our country is of little moment, outside of the New England cities and those regions of our country which are near to Canada. The stock of coal avail-

able for import is so small because there has been no foresight or expectancy that there would be a market in the United States for the importation of coal. We are exporters of coal, and in normal conditions there could be absolutely no benefit to the American people from this resolution if it became a law. The coal producers of bituminous and anthracite can supply the home market in competition with the world, and except in a very few localities where, by reason of nearness to Canadian mines, there might be a small amount of coal imported the general situation remains that the tariff is not of much moment one way or the other.

I understand from the papers, and the Senator from Rhode Island has informed us, that efforts of relief would be made elsewhere than in this Chamber; that it was the desire and purpose of his party in the House—where they have the majority—to originate legislation which would give this relief. While I shall not enter upon the discussion as to whether it amounts to much where the measure for relief originates, I will only say in passing that if the House shall send us a measure looking to the removal of the duty on coal or its suspension for a year, so far as I know nobody on this side will hesitate to pass it, though we all know that this Congress has been in session over a month and nothing has been done with the recommendation of the President. If any credit is due anywhere for its passage it will be due to the venerable and brilliant Senator from Missouri, whose resolution has precipitated this debate and called attention to this particular phase of the coal famine. His eloquence and his presentation of the condition have put the spur to the lagging horses in the other end of the Capitol and to those at this end who have been cold-bloodedly contemplating the condition; and if any movement is made it will be by reason of the resolution of the Senator from Missouri.

If we had no duty on coal, it is probable that there might be some larger importations and preparation made by the coal miners abroad and in Canada to enter into competition, because it is well understood that the fact that there is a tariff and that the American producers can compete and drive the foreigner out of the market has hitherto made foreigners unwilling to make any efforts in that direction.

Mr. President, I shall not enter upon any further discussion or portrayal of the wrong done our people and of the robbery that is now being perpetrated upon them. The newspapers are filled every day with these harrowing stories of suffering and misery and death. The wonder is that other communities have not followed the lead of that little town in Illinois—Arcola, I believe—where the coal held by a monopolist was seized by the citizens and distributed without regard to party among those who were suffering because of the lack of fuel. The wonder is that in this trying time of distress and death other mobs elsewhere are not taking steps to teach a lesson to the recreant Congressmen and Senators here, as well as to show the monopolists that in the last resort men will neither starve nor freeze to death, but will throttle the law and take it into their own hands.

This danger which now confronts us, which is upon us, which has enveloped us, has been foreseen, and warnings have been uttered, warnings authoritative in their nature, warnings coming from nonpartisan bodies and the nonpartisan commission appointed by this very Senate and the other House of Congress. We have known that the impending calamity was liable to come at any moment whenever the monopoly which has been gradually reaching out and inclosing in its grasp the anthracite coal fields should complete its work. Recommendations have been made, efforts to have the law officers of the United States Government go into the courts and to prevent this consolidation and the completion of the monopoly. Everything has been done except to attract the attention of the masses to the fact that they were being betrayed here by their servants and that this body, charged directly with taking care of the public and the interests of the people, was derelict; that it was in collusion with those who are seeking to monopolize the necessities of life and to levy improper and wrongful toll upon the very staff of life and everything else.

It is said by those charged with the administration of the Government that we need more legislation; that we have not now any remedy for the evils which confront us; that the people are helpless; that Congress must do more; that the officers of the law are powerless, and their efforts will be futile to render relief. I am reminded here of an old and hackneyed couplet which all of us have heard so often and so long that most of us fail to give it its full import. I think it is from Pope, but it does not matter who wrote it; it is as true now as it ever was:

For forms of government let fools contest;
Whate'er is best administer'd is best.

We may load down our statutes with law after law and pass all the flood of bills that are coming in now from both ends of the Capitol, and unless the sworn officers of the law shall discharge their duties fearlessly and honestly, every effort to protect

the people will fail, as the efforts which have been made in the past have failed, because of the dereliction of duty on the part of those charged with executing the law.

I am loath, being a mere layman, having never been in court except as a juror, to undertake to discuss legal questions in this presence. I know that I am but a stripling, so to speak, in the presence of a dozen Goliaths each one of whom in his panoply of mail would trip me up on legal questions.

But, relying on my common sense and my ability to interpret words, I shall endeavor to show that we have on the statute books law enough to have prevented this disaster, and law enough to deal with it now.

On July 2, 1890, Congress passed what is known as the Sherman antitrust law, and I propose in my feeble and humble way to analyze two or three sections of that act. Then I propose to refer to the opinions of judges of our Supreme Court and others of our leading judges in regard to certain provisions of this act. Then I shall rehearse some of the things which have been done under this act. Section 1 of that act reads:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Then comes the punitive clause providing the punishment of fine and imprisonment upon every person who shall make any such contract or engage in any such combination or conspiracy, and so on.

Section 2 is far more drastic, far more sweeping, and covers almost everything. It provides:

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Note the far-reaching effect of this statute interpreted by an honest judge, who wanted to protect the people:

Every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part—

Not the whole, but "any part"—

of the trade or commerce among the several States, etc.

I shall produce evidence before I get through going to prove the existence of a monopoly which, if not complete, has so far covered the anthracite coal production as to reach the enormous percentage of above 95. Efforts have been made, proof has been filed, pleadings have been had, petitions presented to the Attorney-General, warning him and begging him to take steps to protect the people against the impending danger which has fallen upon them. But he has sat quietly in his office and done nothing.

There is still another provision of this law which is very, very drastic. Section 6 reads:

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Here we not only have provision made in the plainest language possible and interpreted by the courts in a way which would give the judges jurisdiction and authority by injunction to stop it, but also provision to confiscate all property of that character on the cars, loaded for interstate commerce; and yet the poor people today are shivering in their homes, and even the wealthy are shivering in their dwellings, because of the fact that the monopoly does exist; and it exists by reason of the fact that the law officers have failed to interpret the law in the interest of the people.

So we have the spectacle presented of a monopoly in broad daylight levying tribute to the amount of hundreds of millions of dollars upon the starving poor and upon the common, every day masses, and the cry is, "We can not do anything; we are unable under existing statutes to protect the people, and therefore we must have Congress give us more power; we must have another commission to deal with this trust question." We have a commission now somewhere dawdling along, pretending to investigate the situation, and taking an enormous mass of irrelevant and unnecessary testimony, when, if they wanted to go to the root of the coal question, they could find out about this combination and monopoly and report back here to us if such a monopoly exists, how it came about, and suggest a remedy, or leave it to us to either throttle it or continue to do nothing ourselves.

Now it is proposed to have another commission created—commissions and commissions—"how not to do it," rather than how to do it; to sift sand in the eyes of the people; to deceive them by specious pleas and the making of sophistical speeches based on air, and to do nothing. But let labor make any move in the direction of any conspiracy or combination whatsoever; let a dozen miners get together and make an agreement among themselves as

to what shall be done about the rates they shall receive for their work, and immediately some attorney of a corporation will hurry to some supple-kneed judge—I do not know whether "supple-kneed" is right; perhaps it should be "supple-brained" or both—and an injunction issues at once prohibiting any and every thing that will interfere with the business of these wealthy capitalists who own the property that is in risk.

Hundreds of injunctions have been issued from the courts under their equity jurisdiction; they have been as thick as "leaves in Vallombrosa;" but when an attempt is made to get an injunction against the coal trust the Attorney-General becomes blind; he can not see and he will not hear.

Mr. DIETRICH. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. TILLMAN. With pleasure.

Mr. DIETRICH. I should like to ask the Senator from South Carolina if he were Attorney-General what would he do to relieve the situation?

Mr. TILLMAN. If I had been the Attorney-General in October last, when this condition of facts or the impending condition was called to his attention, and probable evidence, almost unanswerable evidence, furnished to show that this thing was coming, I should have gone to some judge somewhere, if I could have found one honest enough—and I think there are plenty of them; I hope so, at least—who would have granted an injunction dissolving this combination, and then, if they had not obeyed my order, if I were a judge, I should have done as Judge Woods did.

Mr. DIETRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. Certainly.

Mr. DIETRICH. Supposing you had done that and that the miners had again gone out on a strike and had refused to mine coal, then what would you have done?

Mr. TILLMAN. Oh, I can not answer irrelevant, supposititious questions like that. You could consume the balance of the day in asking questions which have no actual bearing on the situation. Of course we can not make the miners work; but the miners were starving and willing and anxious to work on any fair and decent terms. Any such supposition could not enter the brain of anybody but a lunatic.

Mr. DIETRICH. Would the bringing in of coal free of duty be conducive to the increase of the wages of the miners?

Mr. TILLMAN. You have got off on the tariff now, and I did not expect to discuss that. I have already dismissed that. But I do not believe that bringing in coal free would have had anything to do with the wages of the miners in the United States. When we export coal, and have been exporting it for years, in the name of common sense how can any tariff on it affect the miners' wages here at home? I ask the Senator that question. [A pause.] The Senator does not care to answer, and I will proceed with my argument.

Mr. DIETRICH. Will the Senator please repeat the question?

Mr. TILLMAN. I asked the Senator, in a community or in a State where coal is exported by the hundreds of thousands of tons, because we mine more coal than we can consume at home and have the largest coal fields in the world, how can the tariff on coal protect the miner to the extent of increasing his wages?

Mr. DIETRICH. I will answer the Senator by asking him a question.

Mr. TILLMAN. Oh! I am ready to hear the Senator's question.

Mr. DIETRICH. With coal selling at from ten to twenty dollars a ton, would that prevent coal from being brought here upon which there is a duty of only 67 cents a ton?

Mr. TILLMAN. Of course not. But what has that got to do with the miners' wages? Are the miners getting all or any of the benefit of this ten or twenty dollars a ton now? Are they not, according to the testimony, being paid the very same scale of wages which obtained before the rise in prices was brought about?

Now, to return to the point I was going to discuss when interrupted.

Mr. President, I propose to be entirely fair to the Attorney-General. I would be very glad, indeed, if his utterances and actions would enable me to believe that he is sincere, and that he is really acting according to the best lights before him. We have had printed during the last week the opinion of the Attorney-General and his suggestions to the Judiciary Committee, accompanied by a résumé of the cases which have been tried under the antitrust law, a brief synopsis of decisions and the pending litigation, accompanied also by a speech of the Attorney-General delivered at Pittsburg last October. These set out in detail Mr. Knox's views and opinions. It is to be presumed if that official is

not sufficiently on record and is not ready to stand by the record that he himself has made, then he has been very unfortunate in sending these documents here.

I will first give the Attorney-General's position or his ideas on trusts. He says:

Because they are great and prosperous is no sufficient reason for their destruction. If that greatness and prosperity are not the result of the defiance of the natural rights or recorded will of the people, there is no just cause of complaint.

That there are evils and abuses in trust promotions, purposes, organizations, methods, management, and effects none questions except those who have profited by those evils. That all or any of these abuses are to be found in every large organization called a trust no one would assert who valued his reputation for sane judgment.

The Attorney-General takes the position here, if I interpret his language correctly—and some of his friends will tell me if I interpret it incorrectly or contrary to common sense—that there are good trusts and bad ones, and that the very fact of the existence of a trust does not carry with it the necessity that that trust shall affect the country injuriously. He goes on to give the conspicuous and noxious features in respect to trusts. He says:

Overcapitalization, lack of publicity of operation, discrimination in prices to destroy competition, insufficient personal responsibility of officers and directors for corporate management, tendency to monopoly, and lack of appreciation in their management of their relations to the people, for whose benefit they are permitted to exist.

Here he is again:

The end desired by the overwhelming majority of the people of all sections of the country is that combinations of capital should be regulated and not destroyed, and that measures should be taken to correct the tendency toward monopolization of the industrial business of the country. I assume a thing to be avoided, even by suggestion, is legislation regulating the business interests of the country beyond such as will accomplish this end.

Now, listen here, please; and I am sorry that the Senator from Rhode Island [Mr. ALDRICH] is going away, because I wanted to call his attention to an indirect reference to the tariff.

Mr. ALDRICH. Mr. President, I have not gone away.

Mr. TILLMAN. Oh! I beg the Senator's pardon. I thought he had gone into the cloakroom; I thought I was lacking in interest and that he had got tired. Now, I want the Senator to take this home with him and pray over it. [Laughter.]

In my judgment, a monopoly in any industry would be impossible in this country, where money is abundant and cheap and in the hands or within the reach of keen and capable men, if competition were assured of a fair and open field and protected against unfair, artificial, and discriminating practices.

Of course we have high authority, financial authority, that "the tariff is the mother of trusts;" and it would be very difficult in the school of logic—and this logician whom I am quoting adds only strength to my own ideas and arguments—it would be impossible before any honest jury to present the claim that the tariff does not give the beneficiaries of it in this country a monopoly to the extent that their foreign competitors must pay, first, the cost of production in the foreign country; secondly, the charges of transportation, and thirdly, the tariff duty, before competition is established. When we see, as we have seen, almost everything that we use in our daily life in the way of manufactured products come to be controlled by American manufacturers because of the fact of the destruction of this very competition which the Attorney-General mentions, we are face to face with the inevitable corollary that the tariff has produced that monopoly in the home market. It may be very good; in some respects it has been good.

I am sufficiently an American, with broad enough views, I hope, to take in all my country rather than the little corner of it in which I was born and to believe that it is for the best interests of this country as a whole to manufacture everything it consumes, if it can be done at anything like a reasonable price, in competition with the foreigner; and if it is necessary, a protective duty, or a duty which would at least put the home producer, the home manufacturer, on an equality with his foreign competitor, would be permissible and proper. Such a tariff would be a revenue tariff inevitably. In that position I differ somewhat from some of my colleagues; but my difference one way or the other does not cut any figure. I am in a hopeless minority here. I come from a section which has been time out of mind the pillaged section of this Union. I suppose, having gotten used to being robbed, we will have to continue in that unpleasant condition; but I must go on or I will get off on the tariff, which I promised not to do.

The Attorney-General further says:

Two or more persons or corporations can not by any combination or arrangement between themselves either contract or expand the rights of others to engage in a similar business. The utmost they can do is to discourage the disposition to do so by restricting the opportunities, or by securing to themselves some exclusive facilities or the enjoyment of some common facilities upon exclusive terms.

That is a very meaty paragraph, and brings into view a whole cloud of witnesses and evidence to show that two corporations conspiring together, the one in the production of petroleum and its products and the other in the transportation of petroleum and its products, have brought about a domestic monopoly in this coun-

try, which to-day stands as a monument to the genius of the men who have organized it and as a monument to the rascality, the cowardice, and the venality of the men who could have stopped it and have not, and who could now stop it and will not.

Mr. Knox says:

If the law will guarantee to the small producer protection against piratical methods in competition and keep the highways to the markets open and available to him for the same tolls charged to his powerful competitor, he will manage to live and thrive to an astonishing degree.

Of course he will. But when Mr. Knox himself is charged with the duty of seeing that this is done he sits quietly in his office, or goes up and down the country making speeches, claiming his inability or his helplessness to give relief.

Now, here is a remarkable statement, and I want the legal minds on the other side of the Chamber to please grasp it and help me, if possible, to understand it.

In many cases of departure by a carrier from its published tariffs, the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous—

He goes on to discuss now the very question which I have just mentioned—

the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous—

Now he is speaking of his own knowledge, apparently—

no illegal discrimination exists; consequently the recipient of the unlawful rebates escapes the penalties of the act to regulate commerce.

Of course he does; but when he escapes punishment under the act to regulate commerce, and the Attorney-General is unable, under the interpretation of that act by the Supreme Court, to give relief to the shippers that are discriminated against, he fails to realize that the second section of the Sherman antitrust law reaches its long arm out around these creatures, and that if he would set in motion the enginery of law with which he is armed, and which it is made his duty to enforce by that second section, he would seize upon these very discriminators and punish them.

These very people who give favored rates and rebates have entered into a conspiracy, evidently, and the evidence has been piled up before the Interstate Commerce Committee in its hearings, and in the reports of the Interstate Commerce Commission, to show discrimination—a discrimination regardless of the wanton breaking of the law, which in some of these cases has become so common that one of the great railroad presidents said that if all the violators of certain sections of the interstate-commerce law were put in prison there would not be jails enough to hold them.

I will quote from Mr. Knox again. He says:

In such cases, and they are the most numerous, no illegal discrimination exists.

Because a monopoly has been fostered to the point where it has absolute control of the commerce in a given article so far as railroads are concerned, and by means of this discrimination there are no competitors, he claims that there is no violation of law, notwithstanding that the monopoly was created by violation of the law and stands to-day as a monument of the worthlessness of a statute which is not enforced by an honest official.

Now comes Mr. Knox again on the antitrust law. He has been discussing the interstate-commerce law. He says:

In other words, the antitrust law applies to every agreement in restraint of interstate trade, whether made by corporations or individuals.

In the next place the court held that any agreement or combination which directly restrains not only the manufacture but the sale of a commodity among the several States comes within the antitrust law.

He acknowledges that there are conditions where the antitrust law applies, but when its application to the condition of facts which now exists is brought before him he fails to carry out his own conception of the powers that are vested in him, and comes to Congress, through the Judiciary Committee and through the recommendations of the President, asking for an enlargement of power, for the assistance of a commission to aid him, for more statutes to rust on the statute books, because unless the Attorney-General wants to do something you can never put enough law into any book or a hundred books to give the people relief. Speaking of the antitrust law, he says:

It was commonly supposed at the time of the passage of this act that its provisions forbade the existence of trusts that were engaged in monopolizing the production throughout the country of various articles of general consumption, and the Government shared in this view.

It was commonly supposed, he says, when the act was passed, that it did apply; that it did mean something; that it had a threat and a power to punish when law was broken.

Then he goes on and gives a brief recital of some of the litigation, beginning with the Knight case, the sugar-trust case, in which the court held that that monopoly was merely manufacture; that it did not necessarily enter into interstate commerce, although it would be very difficult to see why people should pile up millions and millions of pounds of sugar merely for the sake of manufacturing it. But the Supreme Court, staying within safe limits, declared that manufacturers did not come within the

scope of the antitrust law, and protected the sugar trust; and while it is an open secret that no effort was made to show that the product had entered into interstate commerce and was then entering and was intended to enter (and to that extent the district attorney failed to present his case for the Government in a proper light), there were cases subsequently in which the Government showed its hand, and its mailed hand, to these malefactors and stopped their wrongdoing.

He speaks here of the Addyston pipe combination, and Senators or others who are interested would do well to give heed to the opinion of Judge Taft in that case—Judge Taft, who is now in the Philippines; Judge Taft, who has given notice that his sense of public duty will not allow him to accept the high position on the Supreme Bench, for which he was booked, and that he remains out yonder in the discharge of an arduous, if an odious, duty. It may not be odious to him. I do not want to get off on our imperialistic programme this morning. I am not going to enter that switch. But I want you to read the decision of Judge Taft and the common-law doctrine which he elucidates so forcibly and unanswerably to sustain the contention that any monopoly or any attempt at monopoly in restraint of trade which extends to interstate commerce is within the jurisdiction of the antitrust law and that it is the duty of the Government to move to put down such conspiracies.

Let us see what Attorney-General Knox himself says about the common-law doctrine. I want to get through with my quotations from this interesting pamphlet of the Attorney-General. While it may not be entirely relevant to my argument just now, I put it in here in justice to him lest I forget it. But Attorney-General Knox says in regard to the common law:

Primarily it is for the Congress to decide whether it has the power, and whether and to what extent it will execute it; what character of restraints, whether all or those only which are unreasonable and injurious shall fall under the ban; whether legislation in the first instance should extend to all commerce or only to commerce in articles of vital importance to the people.

Now, listen:

The time never was when the English-speaking people permitted the articles necessary for their existence to be monopolized or controlled, and all devices to that end found condemnation in the body of their laws. The great English judges pronounced that such manifestations of human avarice required no statute to declare their unlawfulness; that they were crimes against common law—that is, against common right.

It is difficult to improve upon the great unwritten code known as the common law. Under its salutary guaranties and restraints the English-speaking people have attained their wealth and power. It condemns monopoly and contracts in restraint of trade as well. The distinction, however, between restraints that are reasonable in view of all the circumstances and those which are unreasonable is recognized and has been followed in this country by the courts.

Discussing that phase of this subject, I want to point out that in the decision of the Supreme Court in the Debs case, while Judge Woods, the circuit judge who had issued the injunction against Debs, based it on the antitrust law, the Supreme Court declared that he had jurisdiction and that it was his duty to act in the premises; that is, under the statement of facts presented to him, because of a broader foundation and a wider power than the antitrust law gave. I have Judge Woods's opinion here and I have the Supreme Court's opinion here, but I do not propose at this stage to indulge in quotations from the Supreme Court or from the other judges.

I wish to call attention to the fact that in speaking so eloquently of the common law as he has done it should be understood that the Attorney-General arms those of us who contend that the antitrust statute must be interpreted in the light of the common law, as the Supreme Court has declared, and that therefore the strict letter of that statute, if it be unequal to the emergency, would be strengthened by the general principles of law known as the common law, and that all of these combinations and monopolies are contrary to law, illegal, null, and void, because they are contrary to the general doctrine of public welfare, and therefore if there would be any straining of the law, if the Attorney-General wanted to stretch his power and reach his hand beyond the statutory authority, he has ample provision, ample opportunity, ample authority in the decisions of the courts in regard to the exercise of the judicial hand in the various cases which have been brought under the antitrust law.

Before I leave Mr. Knox—and I do not know that I shall leave him at all, because he is what you lawyers call the delictum, from my point of view; he is the criminal whom I am indicating, the man blamable, primarily or secondarily, for all this misery and wrong and suffering, because he has failed to do his duty—I want to call attention to a peculiar phase of our national evolution.

Mr. DIETRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. TILLMAN. I will in one minute. [A pause.] I had better yield now. I am just beginning on the other subject. So go ahead.

Mr. DIETRICH. I wish to ask the Senator from South Carolina if he is as positive now that Attorney-General Knox is to blame for this condition as he was when he stated in 1896 that

the distress, poverty, and hunger which prevailed in the winter of 1894-95 were due to the money question?

Mr. TILLMAN. Mr. President, I have hunted rabbits in my time, and I have hunted 'possums, and I recollect once when I was a small boy going out with a good old ducky on my mother's farm—plantation, as we called it—one moist night, sort of half moonlight, when there was not any need of a torch, to hunt 'possums. We had one of the best 'possum dogs that ever barked on anybody's branch, and whenever he opened his mouth I could see my old ducky friend's mouth begin to water, because he had in view the feast that was to be his when the baked 'possum and taters came on the table next day. On the special night I speak of, after a good long walk through the pines and up and down and around where the 'possums were accustomed to go, we heard the old dog, who had seemed a little crestfallen and more or less lacking in strenuousness, and had been unwilling, seemingly, to exercise himself much and move about in that lively way which was his custom. Having left us for a time and disappeared, presently we heard him bark.

We freshened up ourselves. We were getting a little sleepy by that time, because it was beyond 10 o'clock. We heard in the distance the hound's voice, and presently we heard him give that well-known, deep-throated bark which indicates that a dog has bayed. In other words, he has his quarry up a tree. The difference in the tone would not be recognized by any but one accustomed to hunting, but every person who has been in the country in his boyhood and has indulged in any kind of sport like that, where dogs bay, will know to what I am alluding. We heard the old hound bay and we hurried forward, and when we got to him we found that he had barked up a small gum tree and that he was rearing up on it, throwing his paws up, and barking loudly. We looked—and there was sufficient moon for us to see anything—and there was not anything up that tree. The old hound had made a mistake, and that ducky friend of mine said: "Come, Buddy; come, let us go home. Old Red has gone to running 'haunts,' and we will not catch any more 'possums to-night."

I am not running haunts to-day, I will say to my honored friend, the Senator from Nebraska, and I am not discussing what caused the misery in 1893 and 1894 and 1895, but I will say to him in a general and a very brief and pointed way that the tariff, which is said to have been the cause of all that misery, was not enacted until after the panic had come; that the so-called Democrat who was elected that year found, when he entered the White House, that orders by President Harrison had been issued in preparation for the issue of new bonds to maintain the gold standard; and that the acts of Mr. Cleveland in carrying out the Republican programme, without change or variation, without altering the helm of state one-tenth of a degree, only helped bring on what had already started, and that was an avalanche of ruin and hunger and lack of work from conditions which had grown up under your own Republican tariff law, and which was most miserable and horrible. God Almighty, or the devil, owed the Southern people, or the Democratic party, a grudge and paid it off in Grover Cleveland! And owing to his mistakes and blunders and treacheries the Democratic party gets all the credit for all that which would have come any way had you remained in power. I hope you are not going to leave. [Laughter.] I mean I hope the Senator from Nebraska has not got enough.

Mr. President, I have pointed out in a fair way, as I think, what Attorney-General Knox has said, and his interpretation and recommendations in regard to trusts. If any Senator can suggest wherein I have been unfair, or have done him wrong, or have failed to quote what might be to his credit, I will gladly insert it here and now.

In regard to these suits which Mr. Knox has brought—the suit to prevent the merger of the Northwestern railroads, the Northern Securities Company case, I believe, is the title, and the suit against the beef trust, and one or two others—I note a peculiar condition, a remarkable situation, to which in passing I will merely call the attention of the country and such Senators as are doing me the honor to listen to me.

Mr. Knox had a predecessor in the Attorney-General's Office, and it is a matter of record that during the two years or such matter while Mr. Griggs was Attorney-General never was a case brought under the antitrust law. He said he could do nothing, and he never even tried. But after he left that office, and after he was succeeded by the present incumbent, we find that in the very cases which have been brought by the present Attorney-General to restrain trusts and monopolies and combinations, and they are only two or three, the lawyer employed by those monopolies and combinations to thwart the Government is the very gentleman who was his predecessor as Attorney-General and who has only recently left the Department. In other words, we have the remarkable spectacle in jurisprudence of a man, the trusted officer and servant of the people, the man in a high official place, charged with a certain duty, remaining in that office quiescent and innocuous to

his friends, but most harmful to the people, getting in full touch and obtaining all the information necessary to arm him with any facts that might be known privately to the Department of Justice, then going out and the very first time the Government attempts to move along the lines which he himself had declared to be unprofitable and useless he appears to argue the case on the other side.

And that is not the only case. He has appeared three or four times in these efforts on the part of the States and on the part of the National Government to bring these monopolies and these combinations and trusts to book. It is his business as a lawyer, it will be said. Yes; it is his business as a lawyer, but for the honor of the profession—and I do honor it, notwithstanding the number of shysters and scoundrels who are in it and who disgrace it—I will say that I have never known in all my reading an instance in which an ex officer of the Government was so brazen, had so much impudence, had so little regard for the decencies and proprieties of life, as to appear in a case against his successor and against the very Government which he had served or pretended to serve; he certainly drew the salary.

There is one instance, not in legal jurisprudence but in poetry. Admirers of Byron will recall that biting but most brilliant of his satires, *The Vision of Judgment*, in which is portrayed the death of George III and his appearance at the gates of heaven, knocking for admission; the trial that was had outside in the open air, not within the sacred precincts, with St. Peter as judge and with Beelzebub as attorney, claiming the corpus delictum as belonging to his jurisdiction and to his dominion, while Michael was sent down the pearly gates opened, and the archangel appeared to defend and claim jurisdiction of the case in behalf of his master, to determine whether or not this old blind decrepit tyrant was entitled to enter heaven. And Byron describing the scene (the poem is possibly the wittiest, as I said, if not the most brilliant of anything he ever wrote in the way of satire) speaks about the meeting of Satan and Michael, formerly high spirits in heaven, archangels, one of whom had been cast out by reason of his rebellion, and the other remaining loyal.

These two former confederates and associates meet to try the case whether or not George III is entitled to enter heaven. I had it in my mind to bring the book here and to read ten or twelve stanzas, because it would probably be the most interesting part of my speech. But here is a prototype. It is not exactly analogous, for the reason that this was merely a contest between a fallen angel and one who still held this high estate. I will not characterize Mr. Griggs as a fallen angel; I do not think he ever was an angel at all. He has no wings. But at present we must, for the sake of the allegory, say that the Attorney-General is an angel and that Griggs, in his attitude of antagonism to the Government which has honored him, is a fallen spirit; and here is what Byron says about that other meeting:

The spirits were in neutral space, before
The gate of heaven; like eastern thresholds is
The place where death's grand cause is argued o'er
And souls dispatch'd to that world or to this;
And therefore Michael and the other wore
A civil aspect—

They had only recently been at war. I will say recently; that was the last time they had met. It may have been a thousand years or a million years. We do not know anything about that. There is no time in heaven, we are told. Therefore I used the word "recently" possibly wrongly.

And therefore Michael and the other wore
A civil aspect though they did not kiss,
Yet still between His Darkness and His Brightness
There pass'd a mutual glance of great politeness."

And no doubt when Mr. Griggs, who graduated into the Attorney-General's office from the position as attorney of the combined coal railroads, as I am informed, this very trust which is causing all this misery, was confronted by Mr. Knox, who graduated into his office after having served corporations all his life, and was once the attorney of the Carnegie Company—no doubt when they met to determine whether or not the antitrust law was mere language or whether it had anything of force and power to restrain wrong and punish it, they failed to kiss, but undoubtedly they winked at each other, Knox saying to Griggs: "I will do just as little harm as I can, and you keep me from doing all the harm you can." [Laughter.]

Mr. President, having, as I think, been fair in trying to state the Attorney-General's position and giving him due credit for all he has done, I come to that part of his official career where I propose to indict him for having failed to do what he ought to have done and what he could have done; what the law said he should have done and the people who are interested endeavored to have him do.

For the purposes of my argument, I want to take up the subject of the coal combination, of the coal trust—of the organization, creation, manipulation, and ownership of the coal output in

the anthracite region. Fortunately we have at hand a very valuable collection of testimony and evidence.

Two or three years ago—I do not recall the exact date—this body had a desire to give the children something to play with, to relieve the tension in the minds of the laboring classes as to the fact that they were ignored in this House, and at both ends of it. An agitation sprung up in regard to the creation of a nonpartisan, nonpolitical commission which would examine into all conflicts between capital and labor, examine the whole field of our industrial life and report to us its conclusions and recommendations. The Industrial Commission, composed of men of the highest character, many of them experts along certain lines with which the Commission had to deal, have made their report, and that final report was published last February—it being their summing up. Senators who want to follow me can get the nineteenth volume of the Industrial Commission's report and read it, if they want to.

I come to the statement of Mr. Phillips, his independent statement, because he would not join his fellows in all of their theories or their deductions. It is found on page 653 of volume 19:

From the investigations of the commission it is apparent that the most potent factor in establishing and maintaining monopolies has been preferential or discriminating rates of freight by common carriers given by rebates or otherwise. One of our oldest monopolies, though not nominally in the hands of a single corporation or trust, is that which controls anthracite coal. This business furnishes a conclusive proof of the power of the railroads through discriminating rates to establish a monopoly.

The facts with respect to this have been very clearly brought out in the report of the Industrial Commission on Transportation. Mr. H. G. Brooks, an independent coal operator of Pennsylvania, testifies (Vol. XII, p. 163) that 43,000,000 tons of anthracite coal are yearly carried by rail to market at three-fourths cent per ton per mile in excess of the rates charged for carrying bituminous coal. This is—

Now listen:

This is \$322,500 per mile of excess charge for the year's product, or \$46,762,500 annually for the average haul of 145 miles to the general market, or over \$1 a ton.

They charge that excess as a difference between anthracite and bituminous coal.

This overcharge, which is greater every year than the interest on our national debt, is made possible by the railroad monopoly, now euphronically called "community of interests," and by the limited area of the hard coal supply. By discriminating against independent operators the railroads have forced them to sell their properties, until, at the present time, more than nine-tenths of the anthracite coal deposits is owned, and more than three-fourths of the entire yearly product is mined by eight lines of railroad that are substantially in entire union of interests. The report of this Commission summarizes the situation in this paragraph (Vol. XIX, p. 463).

This is the summing up of the entire Commission:

On the basis of all this evidence it appears that the trend toward consolidation by actual purchase, not only of one railroad by another, but of independent coal holdings by the railroads, together with the extension of the community of ownership idea, is unmistakable. It can not be long before the anthracite coal business of the United States, in all its enormous extent and commercial value, will be entirely monopolized by a few powerful financial interests. The only safeguard for the public against exorbitant prices must be found either in the competition of other fuels, in enlightened self-interest on the part of the railroads, or in the immediate application of governmental regulation. Competition between either the producers of anthracite coal or the railroads which transport their product can no longer be regarded as of the slightest effect.

Did the Attorney-General know these things? If not, why not? Where is that watchful statesmanship of which we heard so much yesterday in the eloquent speech of the Senator from Iowa [Mr. DOLLIVER], that foresight, that wisdom, which looked ahead and minimized the harm by action?

The evidence is cumulative. I readily foresee however that I will have to stop this siren song directly and give way to the honorable Senator from Ohio [Mr. FORAKER], who has given notice of a speech at 2 o'clock, and, as I know from my experience, when a man has prepared some slight "remarks" to deliver in this body, if he does not get his speech off on schedule it is liable to cause indigestion, mental or otherwise.

I realize that I shall have to postpone until another day a continuation of this interesting topic. But I feel sure that the people who are shivering, the people who are freezing, the people who have voted to send us here, who are crying aloud with their up-raised hands, "Help us!" "Protect us!" want to hear as much of this as may be necessary to satisfy their own minds whether or not my contention is true; that the cause of all this suffering and wrong and misery and robbery to-day lies at the door of that officer of this Government whose sworn duty it is to enforce the antitrust act, and who may be, and is, in my judgment, and will be, I believe, in the judgment of every honest mind who will examine all this evidence, solely responsible, except inasmuch as he has been hampered or restrained or ordered by his superior not to act.

It is a very good place for me to stop, although I have seven more minutes, and I will read a little more. I will get in some more of the evidence and let my brethren on the other side digest it. I read from the report of the same commission:

The principal event connected with the attempted elimination of coal production independent of the transportation companies has consisted of the purchase of the Pennsylvania Coal Company by the Erie Railroad. This Pennsylvania Coal Company, as our map of the Wyoming region indicates,

controls some of the most valuable properties in the heart of the richest field. Its production is not proportionately great, amounting to slightly less than 5 percent of the total shipments for 1900. Its importance is due, rather, to the fact that its reserves for future production are great, and also that it was the largest of the single companies still independent of the railroads. Its independence has also in a measure been accentuated by the fact of its ownership of a connecting road, the Erie and Wyoming Valley, with an outlet at Hawley on the Erie system.

Some three years ago the independent operators who, as we have already seen, are most important in the northern field, projected an independent connecting railroad line, with a view to securing lower and more equable freight rates to tide water. The earliest of these attempts was frustrated by the purchase of many of the mines which had pledged tonnage to this road through the agency of the Temple Iron Company. A second attempt was also made to secure an outlet to tide water by the construction of a railroad following the abandoned Delaware and Hudson Canal to Kingston, on the Hudson River. The Pennsylvania Coal Company was an important factor in this enterprise. Thus, to the leading incentive of eliminating the most important of the independent operators by the purchase of the Pennsylvania Coal Company, was added the advantage arising from a frustration of this projected construction of an independent railroad to tide water. The opposition of the established railroads to any such attempt at new construction was manifested also by the New York, Ontario and Western Railway, which proceeded to buy up all the independent operators who had agreed to ship over this new road in case it were built.

The purchase of the Pennsylvania Coal Company was made by the Erie Railroad through the mediation of the banking house of J. P. Morgan & Co. Agents traversed the entire northeastern region of Pennsylvania for months, purchasing shares in the coal company for whatever price was necessary in order to give control. The company had been paying about 16 per cent dividends, and with a capital of \$5,000,000 had accumulated a surplus of twice that amount, so that the price asked for the stock was obviously not low. It is reported that the average price paid by J. P. Morgan & Co. was \$52 a share. This property, when purchased, was then turned over to the Erie Railroad in return for \$2,000,000 of 4 per cent fifty-year collateral trust bonds, secured by the property of the Pennsylvania Coal Company and also by the New York, Susquehanna and Western Railroad Company, recently acquired by the Erie.

In addition to this, the plan provided for an issue of \$5,000,000 of preferred stock. Criticism has been directed against this operation on the ground that the price paid by the Erie Railroad to J. P. Morgan & Co. was excessive. Testimony before the Industrial Commission indicates that this was in fact the highest price paid for such properties in the history of the business, judged on the basis not of acreage, but according to ton of output. On the basis of a similar valuation the coal lands of the Reading Company would be worth \$125,000,000, as against a present estimate on the books of the company at the last reorganization of only \$70,000,000.

I will pause here to comment by stating that if this was the last chance for competition, if it was closing out the independent operators and forever handcuffing the American consumers, we can understand why Mr. J. P. Morgan was willing to raise his sights and hand out the ducats. What man intent on power and wealth would not give a big price, if he already owned everything except a little corner where competition existed, to buy the remainder, so as to cause the consumers of anthracite coal throughout the United States to be helpless and to pay into his coffers whatever he might see fit to demand?

Just as we have seen that other captain of industry do, that monumental millionaire, John D. Rockefeller, who is now trying to buy his way into the Temple of Fame by large and ever-increasing contributions for the upbuilding of the great Northwestern University. Whenever he sees fit in the lavish generosity of his heart to get a spectacle before the people and have himself advertised, and have the sycophants who write editorials in our papers bow down and worship at his shrine and praise him as a great benefactor, he says he is going to give, or does give, two or two and a half or five million dollars, and a week or two afterwards, or a week or two before, orders go to his agents throughout the United States to put 2 or 3 cents more a gallon on kerosene, and he rakes in ten or fifteen million dollars out of the pockets of the laboring people of this country by reason of this monopoly, and then turns around and graciously gives back to the University of Chicago two and a half million. Oh, these multi-millionaires know how to advertise themselves and make others pay for it!

Mr. Morgan could well afford to give whatever price was asked in order to get this last remaining obstacle in the way of his complete absorption of the anthracite coal field and of those who are mining it; and the Attorney-General sits silently and looks on, squints his other eye, thinks about Brother Griggs in the past, thinks about what is going to come to him in the future, and says, "Well, the American people are such infernal fools they will never catch us."

Mr. President, I now yield to my friend from Ohio [Mr. FORAKER], and I will resume to-morrow, I take it.

Mr. SPOONER. Then it will not do to have the resolution as it is now.

Mr. TILLMAN. I ask unanimous consent that the resolution may go over and that I may have the floor to-morrow when it comes before the Senate.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there any objection to the request of the Senator from South Carolina?

Mr. TILLMAN. I ask that it may go over holding its privileged place.

The PRESIDING OFFICER. The Senator from South Carolina asks that the resolution offered by the Senator from Missouri may go over retaining its place in the morning hour, and that he

shall be entitled to the floor upon it to-morrow. The Chair hears no objection.

Mr. QUAY. Of course that is not to interfere with the regular order?

The PRESIDING OFFICER. The Chair so understands.

Mr. TILLMAN. The statehood bill will come up at the expiration of the morning hour. I am the unfinished business upon the resolution of the Senator from Missouri, as the Senator from Minnesota [Mr. NELSON] was the unfinished business upon the statehood bill.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, I gave notice that at this time I would make some remarks in support of the pending bill, and I have been expecting to do so, but the Senator from North Dakota [Mr. McCUMBER] desires to address the Senate, and to accommodate him I yield the floor until after he shall have concluded his speech.

Mr. McCUMBER. Mr. President, I am under obligations to the Senator from Ohio [Mr. FORAKER], who has kindly yielded that I may take up some thirty or forty minutes in the discussion of this bill before he enters upon the discussion of it, and I wish to assure the Senator that his courtesy is appreciated and that I will leave him a sufficient length of time to complete his speech before the usual hour of adjournment.

Mr. President, I have listened with a great deal of interest to the most thorough discussion on the part of the Senator from Minnesota [Mr. NELSON] of this measure, and I shall not attempt in the least to traverse the same ground occupied by him in that discussion. I may say now that the remarks which I shall make will not be in conflict with any of the facts which he has brought out in his discussion. In fact, I believe, admitting everything that he has said, one can honestly and conscientiously arrive at a conclusion entirely out of harmony with the conclusion arrived at by the Senator from Minnesota.

I agree, Mr. President, that the uppermost thought in the mind of every person considering this subject should be the influence of his decision upon the country at large in the future and not at the present time, and that we should have in our mind the welfare of the country at large rather than the welfare of a single State or of two or three separate States.

Mr. President, the attitude one should assume toward either of the statehood propositions—the one to admit a single State, the other for the admission of three new States with a possibility or a fair probability of the admission of another in a few years—depends entirely upon the standpoint from which he views the case. He may have uppermost in his mind the effect of the one or the other measure upon the status of the balance of the Union under present conditions. He may have in view only the present and future interests of the States which are sought to be introduced and made a part of the nation under the provisions of either one of these bills, or he may have in view the effect of the favorable consideration of either measure upon the country as a whole and for all time.

In this discussion, Mr. President, I shall monopolize but a small portion of the field of debate, but I hope to clearly and concisely demonstrate my views and show that they present matters worthy the consideration of every man who will take a prospective rather than a retrospective view of the influence his decision may have upon the future welfare of the country as a whole. I purpose to discuss this matter from the standpoint of the equitable representation of every section of the country in the Congress of the United States.

Now, Mr. President, the most casual survey of a century and a half of national progress can not fail to impress everyone with the truth that we have drifted very far from those principles and policies with which we were initiated into the sisterhood of nations. With a facility and elasticity, possibly unexampled, we have easily adapted ourselves to new conditions and harmonized our policies with new and unforeseen surroundings.

With our attention ever riveted on the future, we are fast leaving behind us old traditional theories; sometimes adapting these theories by an enlargement to meet conditions far beyond their original intent; sometimes, with startling audacity, abandoning them altogether to meet greater contingencies; but in all cases, with consummate skill and judgment, strengthening the national character, enhancing the welfare and accelerating the prosperity and progress of the nation.

The old idea of the nation for the benefit and protection of the

several States, the old alliance idea, has been superseded by the higher and broader one of the States for the benefit and grandeur of one nation.

This metamorphosis toward single nationality has been unceasing in its development.

The American of one hundred and twenty-five years ago recognized a group of sovereign States united under a compact deemed essential for the protection of each, with pride of State and State sovereignty strong in the hearts of its citizens.

The American of a century later looked upon a great nation whose subdivisions were States, each with its own separate governing power, but with the pride of State coalesced and merged into the higher emotion of national patriotism.

The American of to-day, almost forgetting State boundaries, sees mainly a mighty empire with its lofty ranges of mountains, with its beautiful and fertile valleys, with its vast forests, its verdant plains, and its wonderful rivers. He sees no divisions but those traced by the hand of Omnipotence, and all of this comprising the most varied in topography, in produce, and in natural resources, a land of mountains and plains, of woodlands and lakes, of prairies and streams, and this he recognizes as his country.

Mr. President, I note this change of ideals, of theories, and policies, because it is particularly pertinent when we are asked to consider older guides a precedent for the admission of new States. There is an old precept of law that when the reason for a rule ceases the rule itself ceases. That precept is certainly applicable in this case.

Considered as a scheme of equitable representation, it was never claimed that giving the tiniest State, representing but a minute population, the same power, the same voice as a State of ten or a hundred times its size, or ten or a hundred times its population, had the sanction of reason and exact justice. Considered, however, as an expedient necessary to secure the union of the States, in the first instance, its justice was most manifest.

Now, Mr. President, in that case the end justified the means found necessary to secure it. But, from the standpoint of citizenship and nationality, the representation in the upper House of Congress is an illogical one.

The lines which divide States have little or no logical basis. They are, for the most part, run without reference to the particular characteristics of any section.

The original idea of representation in the upper House was mainly the representation of the States as separate units. This idea is no longer the dominant one. In fact, it may be said to be almost eliminated. Indeed, it can scarcely be said to-day that the representation here is by States at all. The State lines are practically obliterated, except for the purpose of the election of the members of this body.

Mr. President, in the development of our internal industries commercial assimilation has obliterated boundary lines and we are forced for all legislative purposes to recognize great sections, natural divisions, rather than States. As we view the country as an aggregate we group these sections together to make our map—the agricultural section, the coal, the iron, the cotton, the sugar, the lumber, the stock raising, the mining, and the diversified manufacturing sections. It is these sections, with their peculiar industries and interests, which are really represented in this body.

It is the people of these sections, speaking as such, whose voice is most potently felt upon every important measure before the Congress of the United States. Upon all local matters which are nonpartisan in character Vermont, Maine, and New Hampshire will vote as a unit. So, too, will Pennsylvania and West Virginia, the coal and iron States, while Indiana, Michigan, and Illinois will find themselves naturally harmonious. Minnesota and Wisconsin and Iowa will find like interests to protect and like objects to be secured, and the State lines between North and South Dakota, Nebraska, and all the wheat and corn raising States will scarcely be recognizable. The mining States will vote their several Representatives as one delegation, and the cotton States will combine the legislative efforts of all their members in the Senate.

Now, Mr. President, knowing, as we do, that it is the people and industries that are represented, rather than the territory encompassed within certain lines, it follows that the best results to the whole country can only be obtained when each of the great industries and the population supported thereby have a representation in this body commensurate with its importance when compared with each and all of the other industries.

Upon this foundation of equitable representation in this body of people and industries and sections, rather than upon the question of number and size of States, I base my support of the House measure in the main as being at least better adapted to produce such results in the future than the measure recommended by the majority of the Senate committee. If in the uniting of the several colonies into a single nation the size and population of any colony were necessarily abandoned in order to effect the compact,

resulting in manifest inequality of representation both present and future, then the present inequality in the size or population of any proposed State, not necessarily permanent, can hardly be claimed to be of an objectionable character if it will tend to eliminate inequality.

If, on the whole, Mr. President, it tends to equalize with greater exactness the representation of all the sections and probable industries of the country, that alone warrants its favorable consideration by this body.

Whenever one section of the country or one industry has more than its proper proportion of voting power or influence, as I have said, considering its importance, there is always a danger that in the contest of each section to secure special benefits some other section or industry of equal or greater importance, but less strongly represented, will suffer in consequence.

The iron-producing sections of the country should not outweigh the diversified manufacturing sections. The great labor element of the cities should not outweigh in its representative power the labor element of the farms.

With equal justice this representation never can be, but approximately it can be secured by so legislating that the number of States into which the Union is divided, with their fixed representation in the Senate, will bear some relation to the section and the special interest or industry represented—by giving, so far as possible, each one of these sections a representation commensurate with its importance.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Yes, sir.

Mr. BEVERIDGE. Mr. President, I have been following with interest the argument of the Senator from North Dakota, and in order to understand the basis of it clearly I want to ask the Senator if in his plea for the representation of sections rather than of States he means that there should be a representation of areas or a representation of population?

Mr. McCUMBER. The importance of industries will always be determined by population, because an industry is only important when we consider the number of people which is supported by that industry.

Mr. BEVERIDGE. Then I understand the Senator—and if so of course there is no disagreement between the Senator and myself and other Senators—to contend for representation by population, not for a representation of square miles merely, but a representation of people and not for a representation of mere productivity.

Mr. McCUMBER. I will state to the Senator that I will make that entirely clear before I get through with this discussion.

Mr. BEVERIDGE. Very well.

Mr. McCUMBER. For instance, if we were to divide the territory comprising the United States to-day into 45 States, does any Senator believe that we would recognize the map which we would make in that division as the map which now exists? Does anyone consider for a single moment that the division would be other than by industries and by territory combined, so as to equalize as much as possible the voting power and strength of each industry according to its importance? I think our entire effort would be in that direction if we were to-day to attempt to make a new subdivision of the States constituting the United States.

To-day we can form some reasonable idea of the future development of the country. In that respect our judgment can be exercised with much greater accuracy than that of our predecessors of fifty or seventy-five years ago. To-day we know the character and natural resources of the whole country, and each and every portion of it, and can fairly estimate the population which can be supported in any Territory or in any particular section. We probably did not have the requisite information when we created the State of Nevada.

If the wheat, corn, and stock raising industries of the country represent one-half of the population of the United States, it is clear that the territory supporting that population should have one-half of the voting power in this Senate.

I think this proposition will partially explain to the Senator from Indiana my position—that it should have one-half of the voting power in this Senate and that every other industry should have the like voting power, according to its relative importance. The time may come when there will be a conflict between organized labor, we will say, in the manufacturing industries of the country and the agricultural labor of the country. Is it not apparent that such a conflict may arise at any time in the future? Let me give but one example. Let us take the matter of the manufacture of leather goods. Those people who are interested in the manufacture of shoes, boots, and other leather goods, while they had a market in the United States which took the entire product of their mills, were interested very naturally in keeping out all other goods of like character and in building up around them a tariff wall for their own protection.

When they go beyond this and become exporters, so that they need a foreign field and desire to produce cheaper, there may come a time when they will desire that the tariff be taken off of leather. This may, in case that we are able to curb the trusts, in some manner, so that the benefits will not accrue to them, be detrimental to the interests of the raiser of cattle; it may be detrimental to the farming and agricultural interests. In case a conflict of that kind should come before this body, anyone can easily see that it is to the interest of the country and the interest of both sections that the forces, the representative power, and the vote in this Senate be in accordance with the importance of the particular industry affected.

How would it be in other matters? Let us look into the present conditions a little; let us take the matter of stock raising. I have on my desk resolutions of several bodies in favor of taking off the tariff on meat, taking off the tariff on live stock, in order to curb the trusts. This tariff has been of incalculable benefit to the farmers of the Northwest and the agriculturists all over the country.

I simply mention this to show that there may be contests, and when there is a contest in the future between important matters of this kind every industry should be properly represented in this Senate; and I am not inquiring whether the representation comes particularly from the West or the East or from whatsoever section it may come, so that it protects the industry.

Let us carry this out a little further and see how it may affect our wheat-raising section of the country in the future. I wish to give the Senator a few figures that may interest him to know what our wheat raisers are looking forward to.

The great emigration of Americans into Canada, which has just commenced to flow in that direction, is due to the fact that tillable Government land in the United States is no longer to be obtained in sufficient quantities to meet the demand.

We have doubled in our population in the last thirty-five years and will double that population again in the next thirty-five years. In the year 1901 we raised about 700,000,000 bushels of wheat. We consumed all but about 132,000,000 bushels. At 5 bushels per capita, it would require but 26,000,000 more population to consume our entire product. Considering that wheat land will fail in its production in a few years, it can easily be seen that the time is not far distant when we will consume all the wheat we can raise. Then the Western farmer who has been the unfailing friend of protection will ask like protection when it will be of some particular benefit to him.

Mr. President, will the addition of three more States, as proposed in the House bill, tend to secure for all time a better and more logical representation in this body—and by that I mean representation of the diversified industries of the country?

The movement of the tide of immigration westward is of special interest as an indicator of the ability of both the southern and northern halves of the United States to sustain an equal proportion of population. In 1790 the center of population of the United States was about 23 miles east of Baltimore; in 1800 it was about 20 miles west of the same point. If we place a star at the center of population on the map in each decade since then, these stars will form almost a straight line along the thirty-ninth degree of north latitude.

In 1900 the census placed the center of population at 39 degrees 9 minutes and 36 seconds north latitude, 35 degrees 48 minutes and 54 seconds west longitude—about 6 miles southeast of Columbus, Ind.

If each half, the northern and southern, sustains an equal population in the future, as has been suggested, the representation in the Senate should be about equal. Bisecting, therefore, through a line in the center of population by east and west, and considering any State north or south of the line according as its greater bulk lies north or south of it, we have the following table:

STATES.			
North.		South.	
Number	26	Number	22
Number of representatives	52	Number of representatives	44
Population	45,787,475	Population	30,207,100
Combined area in square miles	1,298,504	Combined area in square miles	1,733,545
Average number of inhabitants per representative	880,528	Average number of inhabitants per representative	686,525
Average number of square miles per representative	24,971	Average number of square miles per representative	39,399

This is on the supposition, of course, Mr. President, that the three new States will be created, making 48 in all.

Let us consider this table for a moment. It shows the number of States which would be north and the number south, the number of representatives both north and south of the line, the population north and south of the line, the combined area in square miles both north and south, the average number of inhabitants per present representation, and the average number of square miles per present representation.

We would have, then, under present conditions 26 States north and 22 States south. The number of representatives, therefore,

would be 52 north and 44 south; the population would be 45,787,475 north and 30,207,100 south. The combined area in square miles would be 1,298,504 north and 1,733,545 south; the average number of inhabitants per representative would be 880,528 north and 686,525 south, and the average number of square miles represented by each member would be 24,971 north and 39,379 south.

Mr. President, bisecting by a north and south line through a point representing the last center of population, let us view the representation by population at the present time; and here I insert a table showing practically the same thing in reference to this division.

STATES.			
East.		West.	
Number	20	Number	28
Number of representatives	40	Number of representatives	56
Population	39,815,510	Population	35,179,065
Combined area in square miles	574,215	Combined area in square miles	2,457,830
Average number of inhabitants per representative	995,388	Average number of inhabitants per representative	538,930
Average number of square miles per representative	14,605	Average number of square miles per representative	43,890

By this table we will then have 20 States east and 28 States west of the present center of population. The number of representatives east would be 40 and the number west 56. The population east would be 39,815,510 and the population west would be 35,179,065. The combined area in square miles for each representative would be 574,215 in the east and 2,457,830 in the west. The average number of inhabitants per representative in the east would be 995,388 and the average number of inhabitants per representative in the west would be 538,930. The average number of square miles per representative would be 14,605 in the east and 43,890 in the west.

Now, let us take another division, almost through the center of the United States. If we were to divide the country by States so that there were to be an equal amount of territory east and west of the line of division, such line would be drawn from the northeast corner of North Dakota to the southeast corner of Texas. This would give us the following:

STATES.			
East.		West.	
Number	31	Number	17
Number of representatives	62	Number of representatives	34
Population	64,806,613	Population	11,187,962
Combined area in square miles	1,292,605	Combined area in square miles	1,739,441
Average number of inhabitants per representative	1,045,268	Average number of inhabitants per representative	329,058
Average number of square miles per representative	20,348	Average number of square miles per representative	51,260

We would then have 31 States east and 17 in the western half. The number of representatives in the eastern half would be 62 and the number in the western half would be 34. The population in the east would be 64,806,613 and the population in the west would be 11,187,962. The combined area in square miles in the east would be 1,292,605 and in the west 1,739,441. The average number of inhabitants to a representative at the present time would be 1,045,268 in the east to 329,058 in the west. The average number of square miles represented by each member in this body would be 20,348 in the east and 51,260 in the west.

But perhaps the most important line of division in the United States, and the one that will appear to us most logical, will be the division made by the Mississippi River.

Under such a division nearly one-third of the territory of the United States would be east of this line and more than two-thirds would be west of this line. I submit to anyone who is acquainted with the entire United States that the probable population west of the Mississippi River in the next fifty years will be greater than the population in the eastern section.

Now, let us bisect by this line and see the number of States and the representation that each section would have if the bill as passed by the House should become a law. Bisecting by this natural division, we would have the number of States east of the Mississippi, 26; the number west, 22; the number of representatives east, 52; the number of representatives west, 44; present population east, 55,023,512; present population west, 20,971,063; the combined area in square miles in the east, 881,230; combined area of square miles in the west, 2,250,816. The average number of square miles which would be represented by each member would be, in the east, 16,947, and in the west, 51,155. The table is as follows:

STATES.			
East.		West.	
Number	26	Number	22
Number of representatives	52	Number of representatives	44
Population	55,023,512	Population	20,971,063
Combined area in square miles	881,230	Combined area in square miles	2,250,816
Average number of inhabitants per representative	1,058,144	Average number of inhabitants per representative	476,615
Average number of square miles per representative	16,947	Average number of square miles per representative	51,155

The chief value of these tables is that they may serve as a basis for calculating the future population of the several sections and

the representation that the several sections of the country should have in this body.

The increase in population in the eastern section—that is, the section east of the present center of population, including the District of Columbia—in the last decade is about 17.7 per cent., while the increase in the western section, excluding Nevada, is about 49.4 per cent.

If the ratio of increase in the eastern and western divisions formed by the line running north and south through the center of population at the present time were to continue the same, these two populations would be almost equal in about four and one-half years; the 40,000,000 of the east, increasing at the rate of 17.7 per cent, would in that time be about 42,000,000, while the 35,000,000 of the west, increasing at the rate of 49 per cent, would be about 42,000,000, giving us a total population of some 84,000,000 within four and one-half years.

Taking all the States east of the North Dakota and Texas division, the increase in population in the last decade is about 19 per cent, while the increase in the States west of this division is about 72 per cent. If this ratio of increase were to continue the same for a period of fifty-five years, the populations of these two divisions would be about equal, as, increasing at the rate of 19 per cent, the 65,000,000 of the eastern section would be about 150,000,000, while the 11,000,000 of the western section would in the same time amount to about 151,000,000, giving us a total population of about 300,000,000.

But, taking another method of division, taking the two divisions north and south formed by the east and west line running through the center of population, we have an increase of 16 per cent in the north and 44 per cent in the south during the last decade. Increasing at this ratio for a period of about twenty years, we would have about 60,000,000 in the north, and about 62,000,000 in the south, making in all about an equal division of the total population, which would be about 122,000,000.

If anyone will look at the map of the United States to-day he will observe that the line of the center of population runs almost through the center of the United States, giving an equal area both north and south.

Let us take another division. Taking the two divisions formed by the Mississippi River—and this is, I think, the most important one to consider—we have had an increase during the last decade of about 18 per cent in the eastern section and of about 53 per cent in the western section. Increasing at this ratio for a period of about forty-six years, we would have about 137,000,000 in the east and about 138,000,000 in the west, making about an equal division of the total population of about 275,000,000.

So it will be observed from these tables that in less than half a century, even if the increase kept at its present rate, there would be an inequality in representation in favor of this less than one-third of the area, that east of the Mississippi River, in the proportion of 26 to 22.

But, as a matter of fact, we all know that, the West being the newer country and many portions of it being entirely unsettled at the present time, the proportionate increase will undoubtedly be greater in the West.

Take the State of Minnesota, so ably represented on this floor by the Senator who has been discussing this question [Mr. NELSON], and you find it has scarcely started in its wonderful possibilities of development. It is capable of supporting a population from ten to twenty or thirty times the present population of that State by its iron industries, by its wonderful forests in the northern half, which have scarcely been penetrated at the present time, and by its productive fields; there is probably not a foot of absolutely waste land in the entire State. That statement may almost be made with respect to Iowa, and especially of the agricultural sections, such as North Dakota and South Dakota.

So that, in any event, after a few years the representation must ever after be unequal, and the western two-thirds will be the section which will have the minor representation, even if this bill becomes a law. This inequality will be very much greater in case a less number of States is carved out of the Territories now not admitted into the Union.

While there are many miles of waste in the Western States and Territories, no one who is acquainted with the country as a whole will deny that the country west of the Mississippi River, constituting considerably more than two-thirds of the area of the United States, can support a population equal to the East, constituting less than one-third. If it can, no man can logically deny that it should have equal representation. It will not have this equal representation even if we create the three new States contemplated in this bill; but the disparity will be less if we do pass the House bill.

Now, Mr. President, let us consider the matter of population. I admit that States should always have a population sufficient in numbers to support a State which would be a credit to the Union, and which could, without overtaxation, carry on all the functions of a State.

There are strenuous objections made against the admission of these Territories as States, although it is admitted that some of them have populations much greater than some of the Eastern or New England States.

I do not believe that any Senator here would be entirely safe in making the proposition that the people of New Jersey or the people of Delaware are unable to support a State government, or that Rhode Island or New Hampshire or Vermont are unable to support a proper State government without overtaxation of the people; and if they can do it, I can see no reason, considering all the facts that have been presented by the Senator from Minnesota, why the probability is not equally in favor of the ability of any one of these Territories to support a good, stable Commonwealth, and that without any overtaxation of the territory within it.

But that a Territory has little population to-day does not always signify that it will remain in that condition. Like some of our large States whose population has decreased during certain periods, then by some new impulse adding very rapidly to its population, these Territories may, in the next decade, show an enormous development. They certainly have that in them which is capable of development, according to the report which has been made by the Senate committee.

Nebraska gained but three-tenths of 1 per cent in the ten years from 1890 to 1900. The excess of births over deaths must have been far greater than that. Its people poured over into Oklahoma and other sections. But it is again growing rapidly.

I think that too little consideration has been given to the benefits that may be obtained by irrigation in these Territories in order to support a population. I will admit that the amount of land that is irrigated at the present time is exceedingly minute; but, nevertheless, there are possibilities of irrigation there which I believe will make these Territories comparatively great and prosperous States.

Now, I wish to call attention to some matters which I have prepared in reference to the irrigation of these Territories. Let us take Arizona. It has an area of 113,020 square miles, or 72,332,800 acres. Of this amount 185,396 acres have been irrigated, as shown by the census reports of 1900, or, we will say, only one-fourth of 1 per cent of the entire area. The amount of land that can be irrigated has been estimated at from seven to twelve million acres, and this is estimated by one who certainly is regarded as an authority, but who has been condemned in that Territory for making an underestimation.

Mr. FAIRBANKS. Who is the authority?

Mr. McCUMBER. Mr. F. H. Newell. Hon. Binger Hermann, in a speech at Phoenix, Ariz., a few years ago, gave the estimate at 12,000,000 acres, while Mr. F. H. Newell, chief of the division of hydrography, Geological Survey, estimates that about 10 to 12 per cent of the entire area could be irrigated. Taking the latter estimate, 10 per cent, and we would have 7,000,000 acres more of land in the Territory that can be made habitable by irrigation. Now, let us give 40 acres, as the law contemplates, to each family—what the Government allowance undoubtedly would be for each head of a family of the irrigated land. That would support a hundred and seventy-five thousand families. Estimating five persons to a family, we would have 875,000 people who could be supported upon this irrigated land alone.

Plans have been prepared by the Geological Survey for the construction of the Santa Carlos dam on the Gila River, which would furnish water to irrigate over a hundred thousand acres. The crops raised on the irrigated lands are as yet largely confined to citrus fruits, oranges, lemons, limes, grapes, etc., and alfalfa; but wheat, corn, oats, potatoes, and other vegetables, tobacco, cotton, broom corn, and peanuts are raised on irrigated farms to a considerable extent.

Now, let us take New Mexico. It has an area of 78,374,400 acres, of which 326,800 acres are recognized as improved farming lands; and of the 326,800 acres, 204,508 acres are irrigated, a little more than one-fourth of 1 per cent, I will admit.

The amount of irrigable land in the Territory is about the same as that of Arizona, 10 per cent, we will say, of the total acreage, and, taken on the same basis as Arizona, would support about the same number of inhabitants. The products of this Territory are the same as those of Arizona—corn, wheat, oats, and fruits.

No estimate has been made for the establishment of an irrigation system other than an estimate of the cost of survey of a dam at the Rio Grande River.

Mr. President, the Senator from Minnesota [Mr. NELSON] has spoken quite elaborately upon the great amount of waste land which might be used for pasture, but for the reason that stock raising can not be carried on at a distance greater than 4 or 5 miles from the source of water supply. If we are able to take water a distance of 30 and 40 and 60 and 100 miles for the purposes of irrigation, requiring a hundred or thousand times greater quantity than it would require for the purpose of supplying little watering places for the use of stock here and there scattered

over that Territory, then certainly we can conceive of a method by which we can graze stock even in that Territory at a distance of more than 5 miles from running streams.

But in addition to that, if I am correctly informed, there are in the uplands pools of water formed by the melting of snows on the mountains and flowing down short distances, and forming here and there in the low places over the uplands pools, not running streams, which have been utilized for stock-raising purposes. There is a wonderful field there for the stock-raising industry which has not been developed in either of these Territories.

We have in addition to that certain statements, which I will read, from the report on the statehood bill. This is the statement of a person who, I will admit, is interested in the admission of New Mexico into the Union as a State, but, nevertheless, as he is an inhabitant of that Territory—I refer to Mr. RODEY—he certainly ought to be able to give us quite accurate information. I wish to call attention to some facts which show that this Territory is capable of carrying on a government of itself and capable of supporting one. I quote now from page 330, where he said:

The governor figures our population at the time the census was taken as about 80,000 people.

Those who were present and heard the testimony will of course recall how he arrived at that number, stating, as I believe, that it was impossible to get men to go out into the country to take the census for the amount of compensation allowed them. He continues:

We have established in New Mexico since then 75 or 80 post-offices. We now have some 363 post-offices in the Territory. We have built eight or nine hundred miles of railroad in the last two years or a little over, and with the consequent influx of population we surely now have the population we claim. There has been a further influx of population on account of mining and for other reasons, until I am satisfied to-day that while the census only gives us 195,510 people, we have actually nearer 400,000; and we surely have between three hundred and thirty and three hundred and fifty thousand people in New Mexico, without any question whatever.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. I did not catch the name of the witness from whom the Senator reads.

Mr. McCUMBER. I read from the testimony of Mr. RODEY, the Delegate from that Territory.

Mr. BEVERIDGE. What estimate of the present population of New Mexico does he make?

Mr. McCUMBER. He claims that it is between three hundred and thirty and three hundred and fifty thousand at the present time.

Mr. BEVERIDGE. Does the Senator accept that?

Mr. McCUMBER. I think I am as well justified in accepting his statement—that of a gentleman who has lived there for the last fifteen or twenty years—as I am in accepting statements from other sources, especially as he knows the immigration that has poured into that Territory since the last census, and he undoubtedly knows the condition of the Territory in other respects. But I would say to the Senator that I am perfectly willing to take as the basis of this argument the population as given by the census of 1900. I have already quoted the number.

Delegate RODEY continues:

The school census for the last year, which has just come in, shows that there are about 70,000 children of school age. Those statistics prove conclusively that the census as to New Mexico is wrong.

I have here a small statement, which I will submit to the stenographer, showing the taxable property.

Omitting that and going on with his further statement, he said:

We have in New Mexico 122,510 square miles of area, or nearly 80,000,000 acres. Between fifty-five and sixty million acres of that is still public domain. About twenty-five millions of it is private property, that will be subject to taxation when we become a State. It is calculated conservatively—I have been over it time and again and know whereof I speak—that we have between two hundred and fifty and three hundred million dollars' worth of property that will be subject to taxation when we become a State. A tax of 1 per cent levied upon that would bring in from two and a half to three million of dollars per annum, so that we could in our constitution, for the first twenty years of our State life, limit our taxation to 1 per cent. We only require now about \$1,200,000 per annum to pay all our fixed charges and all the running expenses of the Territorial government.

New constitutions always economize. Therefore it can be truly said that were we inclined to extreme economy we might even limit our taxation to one-half of 1 per cent for the first ten or twenty years of our State life and then have the lowest-taxed community in the United States of America.

Here is an important feature:

Mr. RODEY. We have Territorial, municipal, county, school, and road taxes now, the same as anywhere else. We pay the largest school taxes, I believe, of any Territory or State in the Union. Our tax collected for school purposes last year amounted to a little more than a million of dollars, one-half of which was paid in teachers' wages.

A little more than a million dollars paid for school purposes alone in that Territory, and yet it is said that it has not sufficient taxable property so that it may become one of the States of the Union.

We have a fine capitol building; we have a penitentiary building; we have an insane asylum; we have an agricultural college; we have a university; we

have two normal universities, and we have from ten to fifteen cities, modern, up-to-date places, with from one to five fine brick schoolhouses in each of them, costing, as in my own town, for instance, \$30,000 and \$40,000 apiece.

Now, in reference to the population again, taking another estimate, he says:

At the election at which I was elected the lists showed a registration of within a few hundred of 60,000 voters—a great many in that large area; for recollect the area of New Mexico only lacks a few hundred square miles of being as great as the combined area of New York, New Jersey, and all of the New England States.

Ordinarily we estimate population at about five for each voter. It may be that in the Western country, where the male population undoubtedly is greatly in excess, we can not estimate it at so high a number. It is safe to say, however, that there are 250,000 people there. Further on he says:

The condition of everything in New Mexico is improving vastly—so fast, in fact, that its people confess that in all its history it never made such rapid progress as it has during the last two or three years.

We want to come into the Union. We have been asking for admission for so many years that we think no argument ought to be made against it. Our population now is three times that of Wyoming, eight times that of Nevada, twice that of Idaho, and is almost equal to that of Vermont. It is nearly twice that of Delaware. The population argument cuts no figure.

And if Delaware and some other States, as I have stated, can carry on a government with their population, I do not know why a Territory with two or three or four times the population could not with equal propriety conduct a State government.

Let us consider for a moment, Mr. President, the coal fields in the northern part of this Territory. I am informed that the northern half of this Territory contains hundreds of thousands of acres of fine coal lands to be developed.

Mr. QUARLES. What Territory?

Mr. McCUMBER. New Mexico. I do not know to what extent it has been developed; but I understand from the best of sources that coal is found all over the northern half of the Territory; and considering that that is one of the great industries of the United States, I can imagine that when it is developed for the use of the growing population of the western section of the country it will support of itself an immense population, and that the entire northern part of the Territory may become in the future, say in the course of twenty-five or thirty or forty years, a great hive of industry.

Let us look upon this map, viewed so often by the Senator from Minnesota. We can scarcely, with the naked eye, find Delaware upon the map. We can place perhaps something less than a hundred Delawares within the boundaries of the present Territory of New Mexico. We could make very many such States out of the Territory of New Mexico at the present time, and perhaps within thirty or forty years we could make twenty or thirty of them in population from the same Territory.

But, Mr. President, what are we going to do with this Territory? We have here, as will be seen by observing the map, two Territories great in area—New Mexico and Arizona. Because of their enormous extent no one would think of uniting them into one single State. We can not add them to the State of Nevada. We have no power to do that. We can not attach them to any of the States West or East. We could scarcely attach them to this little handle of Oklahoma.

Then, if we can not, what are we going to do with them in the future if the proposition of the Senate committee is absolutely correct? I think the conclusion would be that they would never have a population sufficient to keep up with the increasing population of the balance of the States and which would justify their being taken into the Union at any future time, because in ten or fifteen or twenty or thirty or fifty years we would require a Territory to have ten or fifteen or twenty times their present population in order to be admitted into the Union of States.

Now, what will we do with this vast Territory? What will we do with it in the interim? We can not very well make it into one State; it covers too much area for that. It seems to me we can justly and appropriately make it into two States to-day, and that there is a population there sufficient at the present time to estimate conclusively a greater population in the future and enough to make it a good respectable State.

Mr. President, the committee tell us that a certain percentage of the people of New Mexico are illiterate. They say that the Territory has a population of 195,000, and that 32.2 per cent neither read nor write any language. That would make 64,842 persons who can neither read nor write. That is bad, to be sure. There is no one who would not wish we could have a better condition than that in any of our States. But all of these people are and for fifty years have been a part of this nation. That is an important feature.

To be sure, they might, in a sense, while in a Territorial condition, be regarded as wards, but for all intents and purposes we regard them as a part of our body politic. They make up a portion of the great mass of humanity which we claim as the population of the United States. When we speak of the population of the United States in the last census, we invariably include the Territories south of British America, as we include the District of Columbia.

So they are already here—a part of us. What injury will therefore follow to the Government if we change their organic act into a constitution; if, instead of giving them a governor, they make their own selection; if, instead of sending them judges, they elect their own attorneys as judges? Is there any danger to ourselves as a nation in making this change? If not, will the interests of our people, these people, these illiterates, be best subserved by continuing their Territorial form of government?

The Senator from Minnesota suggested that we should keep them in this training school of Territorialism for a number of years longer, until the people cease to be illiterate and until they understand the English language and speak it more thoroughly. I want to ask the Senator in all candor if he does not think that fifty years of this training school is about long enough and, if we find that fifty years of Territorial training is insufficient to bring about the desired results, whether it is not about time that we adopt some other system of training? Bring them into the Union, and self-interest may bring about a more favorable result.

But besides this, if they are to be admitted as a State, they can themselves determine the extent of franchise. It is not necessary that they give the illiterate the right of franchise. They may exclude them if they think it best for the interest of the State so to do and they have enough of those who are not illiterate, so that they can attend to the balance of the population.

If it were simply a question of taking in a new population from foreign lands, it would be a different proposition, but this is a question of a form of government for our own people. I lived in a Territory for some years. I know some of the hardships of Territorial life. I know that the conditions are changed and our Territories are treated better to-day by the Congress of the United States than they were a few years ago. I remember when all our courts were imported, and I remember practicing law before such judges. I call to my mind to-day an incident which shows the character of some of the judges under whom we were compelled to try our cases.

I recall being the prosecutor in a certain character of case against a railroad corporation in the Territory, and the judge came there from a neighboring city to hold the court. He desired very much to get back to his home town, and I desired very much before the court adjourned to go on with the trial of my case. At last he came to me and said: "I have been talking with Mr. —, who represents the attorney for the defendant, and he tells me that you have not any case, and I do not see why it is necessary, therefore, for me to continue the court any longer, as I am desirous of going back and holding court at another place." This gives us a little idea of some of the courts which were forced upon the Territory of Dakota when it was in a Territorial condition.

Mr. BEVERIDGE. Mr. President—

Mr. McCUMBER. I admit that such conditions probably do not exist to-day.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. I think the Senator's last sentence, perhaps, has answered the question which possibly the Senator anticipated when he saw me rise, which was, whether or not he attributes to either of these Territories to-day the condition he has graphically narrated with relation to his own State when it was a Territory?

Mr. McCUMBER. Before I made the statement I stated, and if the Senator had been listening he would have heard it—

Mr. BEVERIDGE. I did listen.

Mr. McCUMBER. I stated that I did not think the Territories were treated exactly the same to-day by the Congress of the United States as they were a few years ago. If he had understood that, he probably would not have asked the question.

Mr. BEVERIDGE. No; but perhaps I would have made the comment which I now make, that if that is true the pertinency of the graphic illustration of the Senator loses its force; because if it relates to a condition which existed formerly in Territories and which he admits does not prevail to-day, where is the argument to be drawn from his statement? He admits that the very thing of which he complains has passed away.

Mr. McCUMBER. I shall not for one moment admit that it does not apply to a very great extent.

Mr. BEVERIDGE. That being true, there was then some force in the question I asked the Senator, because I was going to ask the Senator whether he had observed in the testimony the high tribute paid by all the witnesses to the quality of the Federal judiciary in these Territories, both as to character and ability.

Mr. McCUMBER. Oh, Mr. President, I will not for a moment be diverted to the consideration of the present judiciary in those Territories.

Mr. BEVERIDGE. I understood the Senator to be discussing—

Mr. McCUMBER. That is not germane to the proposition I was making, and I certainly can not understand that it has the slightest reference to it.

Mr. BEVERIDGE. I do not myself think it has; but since the Senator was making an argument—

Mr. McCUMBER. I was speaking more particularly of the form of government and the right the people in the Territories have to select their own judiciary and to select men with whom they are acquainted.

Mr. BEVERIDGE. And the Senator—

Mr. McCUMBER. And I say—and the Senator will bear me out well—that politics and friendship very often play a most effective rôle in making the selections and in making representations for the selection of the judiciary and of other officers in the Territories. I believe, and I think the Senator will bear me out, that taking the decisions of our courts in the several Territories in earlier days and comparing them with the decisions of the courts when made up of representatives of Territories, the first decisions will scarcely compare favorably with the latter.

Mr. BEVERIDGE. Since the Senator appeals to me to bear him out, I will say that it is my opinion, inasmuch as the Senator so kindly asks it, that politics and the favor of politicians do not play so great a part in the appointment of Federal judges in the Territories and in the litigation which they have before them as they do where judges are elected; and it is for this very reason that a large and growing sentiment of the most thoughtful in this country has constantly agitated in favor of the appointment of judges, and that for long terms or for life. I want to say before I close—

Mr. McCUMBER. I desire to answer the Senator right here and say that my own experience and observation do not lead me to conform to his views.

Mr. BEVERIDGE. No; because, as the Senator well says, he lived in a Territory under the old Territorial practice. It is not the system, because the system is the same, but a practice, which he admits has passed away. I did not mean to interrupt the Senator. I do not care to divert the course of the Senator's remarks.

Mr. McCUMBER. I am very glad to be interrupted.

Mr. BEVERIDGE. But I merely wished to say that if there is any objection to the system, it must be because of the evils which that system entails upon the people; and he himself recognized that by citing an instance of the evils that had been entailed upon the people of his own State when it was a Territory. So it was pertinent for me to call attention to the high quality of the Federal judiciary of these Territories as respects character and ability and learning.

Mr. McCUMBER. If I were called upon to pay tribute to the judiciary of those Territories, I probably would try to equal the eloquent words of the Senator from Indiana in reference to them; but that is not the subject of discussion here. I might cite to the Senator, if he wished to look into that matter a little further, another condition relative to the judiciary as it existed but a few years ago in these Territories, and I am not certain whether or not it has been changed since. We had Territorial supreme courts. The Territorial supreme court in my own Territory, I remember, was composed of the several judges who were members of the inferior courts, and so an appeal was always taken from a decision of a judge for his own decision again, sitting in another place. It was only under extraordinary circumstances that they ever reversed themselves.

Mr. BEVERIDGE. That system has been changed. The judge who decided the case at nisi prius no longer sits with the court who reviews his opinion; his associates sit. That is true also of the United States court of appeals.

Mr. McCUMBER. But this is only one out of hundreds of instances which can be given.

Mr. President, it is said these people of New Mexico speak the old Spanish language. I admit that the great majority of them do, but it is because they are isolated and segregated. Why, there are whole counties in several of the Western States, in the agricultural States, where almost nothing but German or Scandinavian is spoken. Not only that, we take into this country every year a class of people who do not speak English several times the population of the non-English-speaking inhabitants of New Mexico, and we do assimilate them. If we can do that, can we not assimilate the 65,000 of illiterate people in the Territory of New Mexico? What do we lose by taking this Territory into the Union as a State?

What have we lost by the admission of Wyoming, with not near the same population, or Idaho, or Nevada even? It certainly will not be assumed that the personnel of the Senate has been lowered, either in intelligence or character or patriotism. The representation of Wyoming, Idaho, and Nevada, with their small populations, negative even an intimation of this character. The present representation from these Territories show not alone the good judgment of the people of these States, but also of Congress

in admitting them as States. Then, too, these States determine, as I have stated, the franchise right of their own citizens, and they can determine what voice an illiterate shall have in the form of the government or in the laws.

From another point of view: What weight should be given the question of illiteracy? Estimating at 33.3 per cent, the actual number of illiterates in the Territory of New Mexico, as I have stated, would be 64,842. We therefore must assimilate 64,842 persons whose whole lives have been spent in this country and who must have unconsciously absorbed some American ideas of government and civilization. Now, if their illiteracy is by the committee regarded as objectionable, as dangerous to the mental and moral health of the people, that this will be poison to the body politic, what can we say of our ability to absorb, without serious detriment, ten times as many in the last eight years?

In the year 1902 we allowed to become a part of our body politic 165,350 people, all illiterates by their own admission, and probably in truth about twice as many, as we have no means of determining the verity of their statements. In the last eight years we have admitted—and whether they have been fully assimilated I am unable to say—660,654 illiterates. Italy furnished us last year 79,400 illiterates, or 42 per cent of her entire immigration.

South Italy, from whom most of these immigrants came, gave us 49 per cent of illiterates. In the last eight years Italy has given us 307,700 illiterates, and, as I have suggested, in all probability twice that number. Austria in the same time has given us 165,350 illiterates, or 26 per cent of her entire immigration. I submit herewith a table showing the total immigration to the United States and the total immigration from Italy and Austria from 1895 to 1902, showing per cent of illiteracy:

Total immigration to the United States.

Year.	Immigrants.	Illiterates.	Per cent.
1895	258,536	44,914	20
1896	343,267	83,196	25
1897	230,832	44,580	20
1898	229,299	44,473	20
1899	311,715	61,468	20
1900	448,512	95,673	21
1901	487,918	120,645	25
1902	648,743	165,705	26
Total	2,958,822	660,654	23

Illiteracy of immigrants from Italy and Austria.
ITALY.

Year.	Immigrants.	Illiterates.	Per cent.
1895	35,427	15,450	43
1896	68,060	31,400	49
1897	59,431	24,300	42
1898	58,613	24,550	42
1899	77,419	31,700	41
1900	100,135	39,700	40
1901	135,996	61,200	45
1902	178,375	79,400	42
Total	713,456	307,700	44

Austria shows up in almost the same ratio.

AUSTRIA.

Year.	Immigrants.	Illiterates.	Per cent.
1895	33,401	10,150	33
1896	65,103	25,700	45
1897	33,031	7,800	25
1898	39,797	8,450	21
1899	62,491	12,500	20
1900	114,847	27,755	24
1901	113,390	28,500	25
1902	171,989	44,500	26
Total	634,049	165,350	26

It seems to me idle to make as a basis the question of illiteracy of 60,000 or 65,000 people in the interior of the country, not in the great cities but upon our farms and in the agricultural and sheep-raising sections of the country, while at the same time we do not the slightest thing to prevent ten or fifteen or twenty times the number of illiterates from coming in every decade.

Now, these people who can neither read nor write nor speak English, who come from a country where they are denied practically all franchise, who have never inherited the principles of self-governing character, all come to this country, and in six months they may declare their intention of becoming citizens, and in some of the States, as I am informed, may exercise the elective franchise after having declared their intention, exercising all the rights and privileges of the most intelligent and Americanized of our people.

If illiteracy should be the basis upon which we were to lay all objections to foreign immigration, we would let all of the Chinese in and keep one-third of southern Europe out.

As a matter of fact, the desirability or undesirability of a people or of immigration depends upon race and not upon mere ability to read or write.

For my own part, Mr. President, I do not think that I underestimate the intelligence of this class of people from southern Europe—Italy, Sicily, and Roumania—by believing that the people of New Mexico, described in the report of the committee as being of Mexican and Spanish blood, measure up to them in all respects of desirability as American citizens.

Mr. President, I have taken up a little more time already than I expected to take in this discussion. It seems to me that even after the exhaustive argument of the Senator from Minnesota [Mr. NELSON] he has shown in no respect how these people will be injured by taking them into the Union. He has not shown that they are incapable of supporting a State government. He has not, in my opinion, demonstrated the fact that they will not have either population or industries sufficient to justify constituting them into the several States as provided by the House bill.

Above all, I fail to see that he has shown that the nation itself will be injured in any way by granting them the rights of citizens of the great United States. On the contrary, Mr. President, it seems to me almost conclusive, even by the report that is made of the hearings of this committee, that these people are capable of establishing and maintaining a good, stable government. From the standpoint on which I have made this argument, that of securing a proper representation of every industry coextensive with its importance, I certainly can see no objection to adding to the number of Representatives west of the Mississippi River.

Mr. FORAKER. Mr. President—

Mr. QUARLES. Will the Senator from Ohio yield to me for a moment to make an announcement?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. The Senator from Wisconsin wants me to yield in order that he may make an announcement. I took the floor only that I might make an announcement.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. FORAKER. The Senator from North Dakota who has just concluded his speech has occupied so much more time than I supposed he would when I yielded to him that I have concluded, at the request of some other Senators, and in deference to other business, to postpone taking up this bill for discussion until to-morrow. I ask, if it be necessary, that I may have the floor to-morrow at the conclusion of the morning business, in order that I may make some remarks in support of the statehood bill, and I give notice that if I get the floor I will not yield to anybody else.

Mr. SPOONER. Not even for a question?

Mr. FORAKER. I might yield for a question, but I am sure I would not yield the floor unless for something that was very urgent.

Mr. BEVERIDGE. The Senator from South Carolina [Mr. TILMAN] is not here. I guess that the Senator's request does not interfere with the statement of the Senator from South Carolina that he had the floor and expected to go on to-morrow morning. I should be very glad to have the Senator do so, only I thought in fairness to the Senator from South Carolina that should be understood.

Mr. FORAKER. I do not know what the understanding is as to the Senator from South Carolina.

Mr. BEVERIDGE. He gave notice.

Mr. FORAKER. Has he some right to the floor in the morning?

Mr. BEVERIDGE. Yes; he gave notice. He did not finish his speech this morning.

Mr. FORAKER. I gave notice two or three days ago that I would speak this morning at the conclusion of the morning business, but when the conclusion of the morning business came somebody else seemed to have the floor, and I waited until 2 o'clock.

Mr. BEVERIDGE. I think the Senator from South Carolina gave notice that he was the unfinished business for to-morrow morning. He used about those words.

Mr. FAIRBANKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FAIRBANKS. There is no confusion about it. The Senator from South Carolina gave notice that he would speak to the measure before the Senate in the morning hour, and the Senator from Ohio gives notice that he will speak at the conclusion of the morning hour, as I understand it.

Mr. FORAKER. Certainly; if the Senator from South Carolina speaks during the morning hour he has a perfect right to it.

Mr. BEVERIDGE. Then the Senator from Ohio will speak to-morrow at 2 o'clock or earlier?

Mr. FORAKER. I want to speak to-morrow morning as soon as I can.

Mr. BEVERIDGE. I am anxious that you should.

Mr. QUARLES. I should like to inquire from the Senator from Ohio whether it would be inconsistent with his suggestion or plan that we should take up the militia bill to-morrow morning immediately after the routine business?

Mr. FORAKER. I suggest to the Senator from Wisconsin to take up the militia bill now.

Mr. QUARLES. The only objection to that is that there is such a thin Senate here I fear it might subject us to criticisms. However, we could call in Senators by suggesting the absence of a quorum.

Mr. BACON. I was going to say, with the permission of the Senator from Wisconsin, that there has been such a coming together of parties who have differed upon the militia bill that I do not think there is any danger of the criticism which he suggests, and if he will follow out the suggestion which he has just made and call for a quorum, I am quite sure there will be enough present to warrant the action of the Senate upon the bill at this time. I do not think that there will be any discussion. I can not speak for anybody except for myself further than to say that the changes which have been made in the bill and which will be proposed by the Senator from Wisconsin, representing the committee, are such as I know meet the concurrence of those with whom I have heretofore been acting in opposition to a certain part of the bill. I believe everyone who has been acting in opposition to that particular part of it will be satisfied with what the Senator from Wisconsin is himself going to propose.

I recall the fact that when this bill was first brought before the Senate, the Senator from Vermont [Mr. PROCTOR] who was then in charge of the bill, and who is now unfortunately detained by sickness from the Chamber, mentioned a fact which makes it important that no day should be lost, if the bill can be passed, and that is that the action of the State legislatures is important and those legislatures are now in session.

There being, in the shape which is going to be given to the bill, no objection to it, but on the contrary, as I think, it will have the very hearty support of all of us, I see no reason why we should not proceed with it this afternoon, especially as there seems to be an interval now which may not be found to-morrow.

Mr. QUARLES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Hoar,	Quarles,
Alger,	Cullom,	Jones, Ark.	Quay,
Allison,	Depew,	Kean,	Scott,
Bacon,	Dillingham,	Kittredge,	Simmons,
Bate,	Dolliver,	Lodge,	Simon,
Berry,	Dubois,	McComas,	Spooner,
Beveridge,	Elkins,	McCumber,	Stewart,
Blackburn,	Fairbanks,	Martin,	Taliaferro,
Burnham,	Foraker,	Mitchell,	Vest,
Carmack,	Foster, La.	Perkins,	Wetmore.
Clapp,	Foster, Wash.	Pettus,	
Clark, Wyo.	Frye,	Platt, Conn.	
Clay,	Hanna,	Platt, N. Y.	

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PROCTOR] is detained by illness from the Senate.

Mr. QUAY. I wish to mention in behalf of my colleague [Mr. PENROSE] that he is necessarily absent from the city.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16649) to provide rebate of duties on coal; in which it requested the concurrence of the Senate.

REBATE OF DUTIES ON COAL.

Mr. ALDRICH. I ask that the bill just received from the House may be laid before the Senate.

The bill (H. R. 16649) to provide rebate of duties on coal was read twice by its title, and referred to the Committee on Finance.

Mr. ALDRICH. I wish to give notice that the committee will probably report this bill back within a very few minutes. I give this notice with a view that Senators who are interested in the matter may be present in the Chamber when it is considered. I shall ask the Senate then to consider it.

STATEHOOD BILL.

Mr. QUARLES. I ask that the bill known as the militia bill may now be taken up for consideration.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill known as the militia bill. Is there objection?

Mr. QUAY. I have no objection to that course, as there seems

to be no one prepared to take the floor this afternoon upon the pending order of business, unless it is possible to have a vote. I desire to say to the Senator who is leading the Committee on Territories in opposition to the bill that the friends of the pending bill are ready to vote now. I would be glad to know what he has to say to the proposition.

Mr. BEVERIDGE. I did not hear the Senator. I was engaged in conversation.

Mr. QUAY. I propose to take a vote on the statehood bill.

Mr. BEVERIDGE. When?

Mr. QUAY. Now.

Mr. BEVERIDGE. I do not know how the Senator is going to do that in view of the notice given by his chief orator that he was going to proceed upon the bill to-morrow.

Mr. QUAY. I have no doubt the Senator from Ohio [Mr. FORAKER] will withdraw his notice if it would be any accommodation to the delicacy of the Senator from Indiana.

Mr. BEVERIDGE. I could not for a moment be so discourteous to the Senator from Ohio as to agree to the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. QUAY. I object unless there is a distinct understanding that it does not interfere with the pending order.

The PRESIDENT pro tempore. That is distinctly understood, and it was so stated by the Chair.

Mr. QUAY. And the understanding is that a vote is refused?

Mr. BEVERIDGE. I do not know what the understanding of the Senator is.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the militia bill is before the Senate.

Mr. ALDRICH. Before the Senator from Wisconsin proceeds I hope he will allow me to make a privileged report from the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island.

REBATE OF DUTIES ON COAL.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 16649) to provide rebate of duties on coal, to report it back favorably with an amendment. I ask that the bill and the amendment of the committee may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

Mr. ALDRICH. The committee report an amendment.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

Mr. ALDRICH. Mr. President, the report of the committee upon this subject is unanimous, both upon the original bill and upon the amendment, and I ask that the bill be now considered.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of this bill. Is there objection?

Mr. VEST. Mr. President, I simply rise for myself, and I think I represent the unanimous opinion of Democratic Senators here, to express a desire that the bill and amendment may be considered at once, and may be passed without a single vote against it.

Mr. LODGE. I merely desire to say, Mr. President, that it has been my intention to offer an amendment to this bill for the admission of coal free of duty from such countries as admit or shall hereafter admit our coal free; but I am not willing in any way to delay the passage of this bill. I do not wish to offer anything that will give rise to debate, and I am aware that if I offer such an amendment as the one I refer to—in which I strongly believe—it would open the door to other amendments as well as to much debate. This I am unwilling to do after the statement made by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Missouri [Mr. VEST], and because this is an emergency bill of urgent importance, especially so since the amendment which the Committee on Finance has adopted, I therefore shall not offer my amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate, as in Committee of the Whole, and open to

amendment. The Committee on Finance have reported an amendment, which will be stated.

The SECRETARY. It is proposed to add, as section 2, the following:

SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Finance.

The amendment was agreed to.

Mr. LODGE. I should like to ask the chairman of the Finance Committee what will be the effect of this amendment in regard to coal imported and in bond?

Mr. ALDRICH. Under the provisions of the act which was passed recently in regard to the tea duty all coal in bond would undoubtedly be admitted under the terms of this bill and not under the law as it before existed with regard to coal.

Mr. McCOMAS. I should like to ask the Senator from Rhode Island, the chairman of the Committee on Finance, if that be the fact in respect to coal in bond, what would it be in respect of the coal duty paid at the several ports on like coal on which no duty was charged at other ports? Has any provision been made for a rebate of such duty?

Mr. ALDRICH. Not by this bill. That is a matter which will be covered later.

Mr. McCOMAS. But later it will be considered?

Mr. ALDRICH. Unquestionably; and the persons who paid duties would have an equitable claim anyway against the Government.

Mr. McCOMAS. That satisfies me.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. ALDRICH, the title was amended so as to read: "A bill to provide rebate of duties on coal, and for other purposes."

EFFICIENCY OF THE MILITIA.

Mr. QUARLES. I now renew my request for unanimous consent for the consideration of the bill to promote the efficiency of the militia, and for other purposes.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

Mr. QUARLES. On behalf of the Committee on Military Affairs, I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 1, line 8, before the word "classes," it is proposed to strike out the word "three" and insert "two."

The PRESIDENT pro tempore. The Chair will state that there is a pending amendment, which was offered by the Senator from Alabama [Mr. PETTUS].

Mr. QUARLES. I will say that the amendment proposed by the Senator from Alabama will be included in the committee amendments to be presented very soon.

The PRESIDENT pro tempore. But the amendment is pending, and the Chair is compelled to recognize the fact that it is pending. The Senator from Alabama can withdraw the amendment temporarily, if he pleases.

Mr. PETTUS. If it is a matter of precedence I will withdraw my amendment temporarily.

The PRESIDENT pro tempore. The Senator from Alabama temporarily withdraws his amendment. The amendment offered by the Senator from Wisconsin [Mr. QUARLES] will be again stated.

The SECRETARY. In section 1, page 1, line 8, before the word "classes," it is proposed to strike out "three" and insert "two." The amendment was agreed to.

Mr. BATE. I should like to ask the Senator if that is one of the amendments that was agreed to this morning in committee? I was not present at the time, though invited to attend.

Mr. QUARLES. Certainly it is. I now offer a second amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 2, line 1, it is proposed to strike out the words "the National Volunteer Reserve as provided by this act."

The amendment was agreed to.

Mr. QUARLES. I now offer a third amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 22, on page 12, line 22, after the

word "militia," it is proposed to strike out "or of the National Volunteer Reserve."

The amendment was agreed to.

Mr. QUARLES. I now offer a fourth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 23, on page 14, line 12, it is proposed to strike out the word "the," where it occurs immediately after the word "constitute," and insert the word "an."

The amendment was agreed to.

Mr. QUARLES. Now, Mr. President, I offer a fifth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 23, on page 14, in line 18, after the words "United States," it is proposed to insert "other than the Military Academy at West Point."

The amendment was agreed to.

Mr. QUARLES. I now offer a sixth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the section numbered 24.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. There are two pending amendments, Mr. President, one introduced by the Senator from Indiana [Mr. BEVERIDGE] and the other by the Senator from Mississippi [Mr. McLAURIN].

Mr. BEVERIDGE. Mr. President, I offer the amendment heretofore introduced by myself, with a change in the form in which it is printed by striking out the word "church" wherever it appears and inserting "religious organization." I do that in view of the suggestion of the senior Senator from Massachusetts [Mr. HOAR] that it would more accurately meet the situation. I offer it as it is there now, with those words stricken out and the other words written in.

The PRESIDENT pro tempore. The amendment as modified by the Senator from Indiana will be stated.

The SECRETARY. It is proposed to add as a proviso to the second section of the bill the following:

Provided, That nothing in this act shall be construed to require or compel any member of any religious organization whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Mr. BEVERIDGE. Mr. President, this amendment I offer to cover two or three well-known religious organizations in the United States—particularly the Quakers and the Dunkards. It is well known that it is one of the fundamental tenets of their creed that war in any form is murder, and that they are conscientiously opposed to participating therein. The point will be made—and perhaps with some weight, too—that in this bill as it now stands amended, with section 24 stricken out, my amendment is not necessary; nevertheless, Mr. President, it certainly can do, and it will be admitted that it can do, no harm.

While I myself am not in favor of loading a bill with unnecessary provisions, yet I think it is perfectly right that when a great and weighty and intelligent body of our fellow-citizens—and there are no more intelligent or worthy citizens of this United States than those known as the Quakers—ask for a thing of this kind in a bill like this, it should be granted. Certainly, if it be their opinion that when they go to war they are participating in a species of murder, they should not be forced to do so. Therefore upon that hypothesis the amendment should be adopted. If, on the contrary, it does not compel them to do so, then the amendment can do no harm. In either event, it would be without injury, meeting the wishes of one of the very large and one of the very best elements of the citizenship of this Republic.

I hope the amendment will be accepted; and if it is not accepted, of course I shall want a vote upon it.

Mr. BATE. Mr. President, if I understand the purport of this whole bill, it does not force anybody into the military service.

Mr. BEVERIDGE. No.

Mr. BATE. This bill, as I understand it, does not compel anyone, whatever may be his age or his religious faith, to go into the military service. If I thought it did, I would be against this bill. I do not think so, but nevertheless I do not care to make objection to the amendment offered by the Senator from Indiana. I think that we have precedents on that sort of legislation. I believe it is not an innovation upon existing legislation in regard to the militia. Certainly some of the States have so legislated. I think those sects having religious scruples against military service are generally excepted, and ought to be when no constitutional objection intervenes. I do not make any point about that, however, because I do not understand from this bill that there is anything

which constrains or forces anyone, even a militiaman, to go into the Army.

Mr. BEVERIDGE. No; the Senator is right about that.

Mr. QUARLES. Mr. President, I certainly hope that the amendment will not be adopted, because it is absolutely unnecessary and is not germane, and would constitute defective legislation. There is nothing compulsory connected with the militia system; but the organization of the militia is left entirely to the States. Each State can regulate for itself the membership of the militia. We do not assume to do that here at all. In none of the States is there any provision that is at all coercive. The membership of the militia in every State is purely voluntary. I can not see why we ought to attach to the bill this clause, wholly unnecessary and impertinent as it is, no matter how worthy the people may be to whom the amendment refers.

Mr. BATE. Mr. President, I desire to say in this connection that I should not favor this bill if the twenty-fourth section had remained in it. Other amendments, I believe, have been made in conformity with the striking out of the twenty-fourth section, removing the objectionable features and relieving the question of doubtful constitutionality. Congress can go no further in organizing and governing the militia in a State or dealing with it in any way except as authority is expressly given in the Constitution in Article I and section 8, and it requires that the officers of the militia be appointed by the States, which is, in my opinion, the redeeming feature of this bill.

There are many things now in the bill which I do not approve, but I see the necessity for something of the kind in our country, and as the National Guards have generally done well I waive my objections and shall vote for this bill as amended.

As to the pending amendment, I think it is germane, and that the Senator from Wisconsin is mistaken as to that. Like him, I do not see the necessity for the amendment, but I do not desire to throw obstacles in the way of its adoption, as it can do no mischief and will be a relief to such harmless and law-abiding citizens as Quakers and Dunkards.

Mr. BEVERIDGE. There is a further consideration with reference to this amendment, a consideration entertained in the minds of this very large and very respectable body of our fellow-citizens. They intend to present their opinions to the various State legislatures when the question of militia legislation comes up, and there is a very distinct fear upon their part that this bill, having the scope that it has, will have influence upon State legislation, and that this amendment will take off that influence from the State legislatures and leave them perfectly free.

Mr. President, I will not argue with the Senator whether or not that fear and apprehension is well founded. I state merely that it is worthy of note and not to be neglected when it comes from a body of citizens as large and as singularly intelligent as are the Quakers, the Dunkards, and other people like them in the United States. They are a people who read, a people who think, and a people who constitute a very valuable element of our citizenship. Therefore I say that their opinions upon a subject of this kind are in themselves entitled to consideration and weight.

Since it is admitted on all hands that the amendment presented here can do no possible harm, and since the only objection urged against it is that perhaps it is surplusage, I do not see why it is that there is any objection to giving our concurrence to the clearly defined objection of this very large and exceedingly and unusually intelligent body of our fellow-citizens that they would be injured, both directly and indirectly, by the bill as it now stands.

I have nothing further to say upon the amendment, though I shall surely call for a vote upon it if it be not accepted by the committee.

Mr. HOAR. Mr. President, it seems to me that the Senator from Wisconsin does not give quite sufficient force to the language of the bill. I make the suggestion to him with great deference, because I am not, myself, as familiar with it as I ought to be before undertaking to discuss it, for my attention has been called to other matters which are pending. But, if I understand it, the first section of the bill describes who are to be the militia:

Every able-bodied male citizen of the respective States, Territories, and the District of Columbia, etc.

All of those are now members of the militia by law. Whether a man so desires or not, it is proposed to make him a soldier by the law—the word “militia” means “soldiers,” as I understand it—and without exception, if a man be within the two ages named in the bill, unless he be under the age of 18 or over the other limit, which is 45 years, he is a member of the militia. So a Quaker, who is conscientiously opposed to war, is made by law a soldier against his will. It seems to me we should not do that unless we wish to constrain a man against his conscience.

Besides that, the second section provides that certain persons shall be exempt from military service. You do not refrain from making that exemption by the fact that nobody is called upon for military duty, unless he has a mind to enter the service. The

section exempts various executive and judicial officers, persons in the military and naval service, custom-house officers, clerks, postmasters, persons employed in the transportation of the mail, and other public officers. It also exempts members of the two Houses of Congress. Why should we not put in the provision offered by the Senator from Indiana? We put in all the other cases of the men defined by the lawmaking power as persons who ought to be exempted.

It does seem to me that the amendment of the Senator from Indiana is germane and that it is proper, unless we mean to make by law all these men soldiers against their conscience.

Mr. QUARLES. Mr. President, the first clause of the bill, to which the distinguished Senator has referred, has not been at all changed. That is not new phraseology in this bill. It is the exact phraseology used in the original act of 1792, which has been upon our statute book ever since. I look upon it simply as a general definition in the most broad and general sense of what shall constitute the militia.

Mr. HOAR. May I ask the Senator whether in those laws there was not some exemption of the character now proposed?

Mr. QUARLES. No; I think not.

Mr. HOAR. I have been so informed, though I am not sure.

Mr. QUARLES. I think not.

Mr. ALDRICH. Mr. President, certain intelligent Quakers in my own State have called my attention to this matter. They have told me that all the early militia acts did contain an exemption of this character, and they supposed a similar provision not being in this bill was simply an oversight on the part of the framers of it.

Mr. QUARLES. Mr. President, let us see whether we would have any jurisdiction to pass upon that question in its entirety. I suppose that the organization of the militia is a matter which pertains peculiarly to each State. It is a State force, not a Federal force until it has been called out, of course, in the manner indicated by the Constitution.

The exemptions that are contained in section 2 relate to Federal employees. We are protecting Federal employees against any act or regulation of the States which might take them away from their employment. That is clearly within our jurisdiction; but can we go beyond that? Can we dictate to the State of Massachusetts how she shall organize her own militia at home? I apprehend not, and I apprehend it will be found that the laws exempting Quakers and other religious persons, to which reference is made, are in the laws of the several States, and that they have never found any place in the Federal laws since 1792.

Mr. HOAR. May I ask the Senator from Wisconsin a question?

Mr. QUARLES. Certainly.

Mr. HOAR. If that be true, why is it that in the very first line of the bill there is a provision as to what the militia shall consist of?

Mr. QUARLES. That is simply following the old act.

Mr. HOAR. I know; but I now understand the Senator having departed from that reason is giving another; that is, that we should not make this exception because the States are to determine who shall constitute the militia, and it is not for us to do it. I ask him, then, if that be the purpose, why it is that he does undertake to determine by act of Congress who shall constitute the militia by saying that the militia shall consist of so and so, and not leave it to the States?

Mr. QUARLES. I suppose, Mr. President, that the framer of this bill took the old act as he found it on the statute book and undertook to define the two classes of militia, or the three classes, as it stood when the bill was originally introduced, following the exact language of the old law. But I will call the Senator's attention to the last part of section 2, which recognizes the power of the several States and Territories to determine the exemptions from militia duty by their own peculiar system of laws. Of course we recognize them, and have to recognize them; but it seems to me that to say that no State should incorporate into the militia a certain group of religious people, who live in the State of Indiana, for instance, would be beyond the scope of our jurisdiction. That, it seems to me, is a question purely for that State to determine in its own way.

Mr. SPOONER. Mr. President, if my colleague will permit me, the militia of the United States seems to be also the militia of the States, that is, using the word in its generic sense. In the case of *Houston v. Moore* the court had occasion to pass upon this question. They say:

So long as the militia are acting under the military jurisdiction of the State to which they belong, the powers over them are concurrent in the General and State governments. Congress has power to provide for organizing, arming, and disciplining them; and this power being unlimited, except in the two particulars of officering and training them according to the discipline to be prescribed by Congress, it may be exercised to any extent that may be deemed necessary by Congress. But as State militia, the power of the State governments to legislate on the same subject having existed prior to the formation of the Constitution, and not having been prohibited by that instrument, it

remains with the States, subordinate nevertheless to the paramount law of the General Government operating upon the same subject.

It is, however, *sui generis*. Wherever there is concurrent jurisdiction, ordinarily the jurisdiction that first attaches excludes the other; but this seems to be to give to the States power to legislate as to the militia as a State militia, but subordinate to the power of Congress to organize, arm, and all that.

The question which the Senator from Massachusetts [Mr. HOAR] puts is one which it seems to me is difficult to answer otherwise than he answered it; but Congress has power to provide for organizing, arming, etc., the militia. Does not that necessarily involve the power in Congress to say of what the militia shall consist, and does not this very bill provide what shall constitute the militia in the generic sense—the organized and the unorganized militia, every able-bodied citizen between certain ages? If Congress has not that power, would it not seem that that language is inappropriate in this bill? If Congress has the power, so that we may designate who shall constitute the militia and between what ages, does not that necessarily carry with it the jurisdiction to say who shall not be included in the militia without regard to ages?

I have not thought the amendment was one of importance. It does not make any particular difference whether it passes or does not pass, but I am not clear myself that Congress has not the power and jurisdiction to legislate upon this subject.

Mr. DEPEW. Mr. President, in reference to the last remark of the Senator from Wisconsin as to the interest there may be in this amendment, there is a very large body of Quakers in the State of New York. I have received many communications from them, and they are very much alarmed as to the effect of this bill upon their society or church. It seems to me that it is a highly proper amendment to put on this bill, so as to quiet that alarm among those very worthy and intelligent people and excellent citizens. To prevent any misuse of this exception in case of war by societies being organized merely to escape military duty, I would suggest that in line 3 of this amendment there should be inserted "at present organized and existing," so that it would read:

Provided, That nothing in this act shall be construed to require or compel any member of any religious organization at present organized and existing, etc.

Mr. BEVERIDGE. Mr. President, I think that is an admirable suggestion.

Mr. SPOONER. The Senator recognizes the distinction of a man being a member of a sect, and being a member of some organization within the sect. There might perhaps hereafter be Quakers who would not belong to any particular organization, and yet would belong to a sect. Would you exclude them? In other words, would the exemption be limited to them?

Mr. DEPEW. I would say for the safety of the militia it ought not to be left to the judgment of any individual citizen who wants to escape military duty to declare to the enrolling officer or to the drafting officer that his religious scruples are against fighting.

Mr. SPOONER. No, but if he joined the organization and became a Quaker, which he could not become without some action—

Mr. BEVERIDGE. He certainly could not become a Quaker without the consent of the Quakers, and he could not be a Quaker just by himself. This amendment, if the Senator will permit me, was carefully drawn with that end in view, so that some person could not come up and say "I am a Quaker," just on his own word. He has to belong to a religious organization as one of its registered members.

Mr. DEPEW. I have been familiar with the Quakers all my life, and I think there is no religious organization or society which is so rigid in the examination of those who wish to become members as is that society; nor is there a more intelligent one, and in case of war if there were a rush to join the Quakers in order to be exempt from military duty the Quakers would show a vigor and patriotism in keeping them out which would be most commendable.

Mr. SPOONER. I do not underestimate the patriotism of the Quakers. There is no more intelligent or better class of people than the Quakers. The point I suggested to the Senator was that he limits the operation of this amendment to the organizations of Quakers in existence at the time of the passage of the proposed act. Suppose a new organization of Quakers should spring up after the passage of this act?

Mr. BEVERIDGE. We exclude that by the amendment suggested by the Senator from New York.

Mr. DEPEW. The object of the amendment I propose is that in case of emergency persons could not organize religious societies in order to escape military duty.

Mr. BEVERIDGE. It says "at present existing."

Mr. SPOONER. My suggestion was that, as I understand the

amendment, it will exclude organizations of Quakers made subsequent to the passage of the act. Am I wrong about that?

Mr. DEPEW. It would.

Mr. BEVERIDGE. May I say a word?

Mr. SPOONER. Certainly.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. With the permission of the Senator from Wisconsin—

Mr. SPOONER. I thought when I rose that the Senator from New York had taken his seat.

Mr. DEPEW. I had.

The PRESIDENT pro tempore. Then the Chair will recognize the Senator from Wisconsin and ask that Senator if he will yield to the Senator from Indiana?

Mr. SPOONER. Always, Mr. President.

Mr. BEVERIDGE. Mr. President, I could not agree with the Senator from New York as to the organization of a new society of Quakers within the parent church. They could establish a new church in the parent sect. There is nothing to prevent that. But if a new and spurious organization of Quakers were gotten up for the express purpose of exempting cowards from participating in war, it would prevent that. However, your question was, Did it prevent any new organization of Quakers within the church?

Mr. SPOONER. Within the church?

Mr. BEVERIDGE. Certainly not; because it can extend its churches.

Mr. SPOONER. Will the Senator kindly read the amendment again?

Mr. BEVERIDGE. It does prevent any new or spurious organization.

Mr. DEPEW. I will read the whole of the amendment.

Provided, That nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing, whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Mr. SPOONER. I meant, in saying that I did not think the amendment was of any consequence, except in a sentimental way, that there is no compulsory feature in this bill, nor was there in section 24. No man under the provisions of this bill can be forced—

Mr. BEVERIDGE. In my opening and very brief remarks I said that may be so.

Mr. DEPEW. If I may be permitted, I see no harm in that exception in relieving the anxieties of these estimable people.

Mr. HOAR. Mr. President, I think there ought to be one further, and perhaps a little more comprehensive, statement made in answer to my honorable friend, the Senator from Wisconsin on my right, than what has been said already. He asks why we do not leave the matter of exemption to the States. We have said that anybody exempted by State authority should be exempt from militia duty without regard to age. That is in the bill now. I understand that the policy of the people of the United States is to secure by national authority, against the local opinion and action of the States, the fundamental rights of religious and political freedom and of commercial integrity. We prohibit the States from impairing the obligation of contracts; we prohibit the States from trying a man twice for the same offense; we prohibit the States from conducting trials except with certain securities for fair trials, and the fourteenth amendment has very much extended those provisions, so that no man can be tried by any State without due process of law.

Now, suppose a State undertakes, against the conscience of an individual, to compel him to be a member of the militia and to enter into war. I think when the United States is dealing with that subject we should by our authority exempt him, State or no State. If it should happen that some State should exist hereafter, in the far East, or the far West, or the far North, or the far South, which had a very great prejudice against Quakers, and a war came up, and their opposition to war excited the popular feeling of the majority in the State, they should be protected.

Now, during the war of the Revolution the Quakers, although, as everybody in this debate has said, they are a worthy and patriotic body of people, incurred great animosity by their refusal to take part therein. Dr. Franklin, a man who did not yield much to sentimentalities, as they are called, speaks of them with great dislike and contempt in his writings.

I think it was Mad Anthony Wayne who, when his soldiers were hard up for shoes, heard of a great Quaker meeting which was being held one evening in the neighborhood, and marched up a body of troops, surrounded the Quaker meetinghouse, and made every man in the assembly pull off his shoes or boots or

whatever he had on, and used them for his soldiers and left the Quakers to go home barefooted. I will not be sure it was General Wayne, but it was some well-known and famous and popular general in the Revolutionary war.

So it seems to me that as we are declaring who shall constitute the militia, giving definition, we ought to put in our law the definition and not leave it in the power of any State to force a man against his conscience to go into battle.

Mr. CLAY. Mr. President, if I thought the amendment offered by the Senator from Indiana [Mr. BEVERIDGE] went as far as the Senator from Massachusetts [Mr. HOAR] says it ought to go, I would not vote for it. I would not vote in favor of an amendment exempting any religious organization from military duty which provided that a State should not fix the qualifications of those to be exempted from military duty.

Now, the second section of the bill provides that the Vice-President and members of Congress and certain military officers shall be exempt from military duty, which is proper, for they are officers of the United States; and the second section also provides that such persons as the different States may exempt from military duty shall also be exempted. The amendment of the Senator from Indiana, as I understand it—

Mr. HOAR. The Senator will pardon me. The second section also includes pilots and ferrymen and sailors employed by any merchant vessel, and a great many persons not in the national service.

Mr. CLAY. I so understand. I have the second section before me, and I do not think that changes the idea I have of that section. It does refer to pilots and ferrymen, but these are employees of those employed by the National Government.

Mr. HOAR. No.

Mr. CLAY. It says:

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post-road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

My idea is that the Military Committee certainly intended to exempt from military duty certain persons and their employees employed by the National Government, and then to say to each one of the States that they should have the right to pass laws fixing other exemptions.

Mr. HOAR. Mr. President—

Mr. CLAY. That is as I construe the amendment.

Mr. HOAR. May I ask the Senator from Georgia a question?

Mr. CLAY. With pleasure.

Mr. HOAR. Does not the Senator omit in this statement, as he did in his first statement, the largest class of persons that are prescribed in that section, to wit, all mariners and pilots employed in private service having nothing to do with the United States Government? Are not the largest number of persons prescribed in that section persons not exempted because they are in the national service, but for other reasons?

Mr. CLAY. That is true; but I presume the committee intended to say that on account of the peculiar service these persons render in the maritime business Congress would take jurisdiction of them. But I desire to say, in regard to the amendment offered by the Senator from Indiana, that if it provided that Congress should assume jurisdiction of these religious organizations, located in the different States, and provided that the States should not exempt them from military duty, I would not give it my support.

I think this amendment does not change the meaning of the bill in any particular. As I understand the amendment, if you adopt it it simply says that the act shall not be construed to compel members of the religious organizations to engage in military duty hereafter; and then the question whether or not they shall be exempt in Indiana or New York will be left to the legislatures of the States hereafter. I so construe it. I do not believe that if this amendment is adopted in its present shape it will deprive the legislatures of the different States of the Union of the power to fix the qualifications of the different classes who shall be exempt from military duty hereafter.

Reading the amendment, I believe it to be useless, but the Senator from New York and the Senator from Indiana say it will quiet these people who now believe that by the passage of this act we force them to perform military duty. If this is adopted, in my opinion it will leave the section of the bill just exactly where it stands, and will leave hereafter to the legislatures of the different States the question of fixing the classes which shall be exempt from military duty.

I had not read most carefully the section, and it does go further than I thought it went in regard to exemptions. I believe that

Congress really ought not to undertake to exempt any class except those engaged in the service of the United States. The question of the organization of the militia ought to be left largely to the States, and the question of exemptions from military duty ought to be left largely to the States. If I had had the framing of this measure, I would have exempted by Congress no class except those employed by the Government of the United States. But for my part I can not see why the amendment offered by the Senator from Indiana can possibly be of any harm, and really I do not believe it will change the meaning of the bill.

Mr. HOAR. Mr. President, I should be very sorry to have the amendment which I favor lose the vote of the honorable Senator from Georgia [Mr. CLAY], or any other Senator, but I think I ought to say that I can not agree with him in his construction of the amendment. If the soldiers be called into service and be compelled to serve, it is in consequence of this bill and of nothing else. The bill provides that the President shall order the State militia into the service. For instance, in the fourth section it is provided that whenever the United States is invaded or in danger of invasion or rebellion, the President may call them forth and issue orders to them. That is compulsion, and it is compulsion authorized by this bill, and it is the only compulsion under which these soldiers are constrained to go into the service and do the work.

Then the amendment says nothing in the act contained shall be construed to compel Quakers to serve (I will use that short phrase instead of the phraseology of the amendment) or other persons like them who are described in it. To say that there is nothing in the bill which compels them in any way does not address itself favorably to my understanding. It seems to me we ought to meet the important question of the right of conscience in the proper way, and in the way in which it has been met in the United States from the beginning of the Government of the United States, to wit: That persons belonging to religious bodies who have conscientious scruples against military service shall not be compelled to violate their conscience. It seems to me the proper place for that, the righteous thing to do, is in the act of Congress where we define the persons who shall be compelled by the United States to do that service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. BEVERIDGE].

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. There is another amendment, notice of which was given, and it was printed and laid upon the table.

The PRESIDENT pro tempore. There was one which related entirely to section 24.

Mr. QUARLES. Yes.

The PRESIDENT pro tempore. Of course that would not be in order now.

Mr. PETTUS. There is one amendment which has not been offered, but which has merely been printed.

The PRESIDENT pro tempore. Does anyone offer the amendment?

Mr. BACON. Mr. President, I do not myself approve of the amendment and shall vote against it, but in order that it may be put before the Senate in the absence of its author, I will move it. I hope it will be understood that I offer the amendment on behalf of the author, the Senator from Mississippi [Mr. McLAURIN]. I do not desire that the paternity of it should be ascribed to me.

The PRESIDENT pro tempore. The Senator from Georgia, for the Senator from Mississippi, offers the amendment which will be stated.

The SECRETARY. It is proposed to insert as new sections the following:

SEC. —. That it shall be unlawful for any officer to directly or indirectly give any command, order, or direction to any private soldier to perform any service for the private benefit or advantage of such officer or any other officer or person, and any officer charged with such unlawful conduct shall be tried by a court-martial, one-half the members of which court-martial shall be private soldiers of the same class of military service as the private soldier alleged to have been so unlawfully commanded, ordered, or directed, and upon conviction shall be cashiered.

SEC. —. That in every trial of a private soldier at least one-half of the members of the court-martial before whom such private soldier shall be tried shall be private soldiers of the same class of military service as the private soldier on trial.

SEC. —. That in every trial of an officer for an alleged offense for an alleged maltreatment or mistreatment of a private soldier, at least one-half of the members of the court-martial before whom such officer shall be tried shall be private soldiers of the same class of service as the private soldier against whom such offense shall be alleged to have been committed.

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments? This bill, when it was formerly under consideration, was reported to the Senate, and after it was in the Senate certain amendments were offered by the Senator from Missouri [Mr.

COCKRELL] and agreed to. The amendments which have been submitted to-day have been offered in the Senate, and not as in Committee of the Whole. Will the Senate concur in the amendments reported from the committee to the Senate?

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BACON. Mr. President, as I have had something to say about the bill, and in order to prevent any possible misconception as to my present attitude toward it, I desire to say that in its present shape I most heartily approve of it, and am satisfied that it is a very wise and efficient bill and will result in the great improvement of the militia and make it a most efficient arm of the Government. I hope the bill may be passed unanimously.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 15, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1903.

RECEIVER OF PUBLIC MONEYS.

Alexander B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La., vice Charles P. Johnston, term expired. This nomination is in lieu of one for R. B. Kennedy, intended for the same man, sent to the Senate December 2, 1902, and confirmed on the 17th.

APPRAISER OF MERCHANDISE.

George H. Allan, of Maine, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine, to succeed James E. Hewey, resigned.

POSTMASTERS.

ARIZONA.

F. W. Smith, to be postmaster at Williams, in the county of Coconino and Territory of Arizona, in place of Ernest H. Simpson, deceased.

CALIFORNIA.

William W. Giddings, to be postmaster at Newman, in the county of Stanislaus and State of California, in place of William W. Giddings. Incumbent's commission expired June 2, 1902.

CONNECTICUT.

Edwin F. Tomlinson, to be postmaster at Plainville, in the county of Hartford and State of Connecticut, in place of Edwin F. Tomlinson. Incumbent's commission expired February 16, 1902.

George A. Warner, to be postmaster at Bristol, in the county of Hartford and State of Connecticut, in the place of George A. Warner. Incumbent's commission expired March 16, 1902.

GEORGIA.

Alamo B. Harp, to be postmaster at Jackson, in the county of Butts and State of Georgia, in place of Willie E. Harp, resigned.

ILLINOIS.

Charles Scofield, to be postmaster at Marengo, in the county of McHenry and State of Illinois, in place of John Q. Adams. Incumbent's commission expires January 31, 1903.

INDIANA.

William L. Walker, to be postmaster at Carthage, in the county of Rush and State of Indiana. Office became Presidential January 1, 1903.

IOWA.

Joseph D. Ball, to be postmaster at Mystic, in the county of Appanoose and State of Iowa. Office became Presidential January 1, 1903.

Merritt S. Brown, to be postmaster at North English, in the county of Iowa and State of Iowa. Office became Presidential January 1, 1903.

R. G. Clark, to be postmaster at Webster City, in the county of Hamilton and State of Iowa, in place of Charles D. Hellen. Incumbent's commission expires January 23, 1903.

KENTUCKY.

John W. Breathitt, to be postmaster at Hopkinsville, in the county of Christian and State of Kentucky, in place of John W. Breathitt. Incumbent's commission expires January 23, 1903.

MAINE.

Charles A. Paine, to be postmaster at Eastport, in the county of Washington and State of Maine, in place of Charles A. Paine. Incumbent's commission expires January 31, 1903.

MICHIGAN.

James W. Bedell, to be postmaster at Wakefield, in the county of Gogebic and State of Michigan. Office became Presidential January 1, 1903.

Charles M. Cole, to be postmaster at Atlantic Mine, in the county of Houghton and State of Michigan. Office became Presidential January 1, 1903.

John Hanna, to be postmaster at Birmingham, in the county of Oakland and State of Michigan, in place of John Hanna. Incumbent's commission expires January 27, 1903.

Newton E. Tower, to be postmaster at Union City, in the county of Branch and State of Michigan, in place of William J. Richards, resigned.

MINNESOTA.

William Gallagher, to be postmaster at Carlton, in the county of Carlton and State of Minnesota. Office became Presidential January 1, 1903.

Axel Hammarsten, to be postmaster at Cokato, in the county of Wright and State of Minnesota. Office became Presidential January 1, 1903.

MISSISSIPPI.

John B. Collier, to be postmaster at Leland, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1903.

NEW JERSEY.

Adam Kandle, to be postmaster at Elmer, in the county of Salem and State of New Jersey, in place of Adam Kandle. Incumbent's commission expires January 23, 1903.

NEW YORK.

Charles W. Hatch, to be postmaster at Lockport, in the county of Niagara and State of New York, in place of Charles W. Hatch. Incumbent's commission expires January 28, 1903.

Henry M. Haviland, to be postmaster at Jamaica, in the county of Queens and State of New York, in place of Henry M. Haviland. Incumbent's commission expires January 28, 1903.

George R. Pettit, to be postmaster at Brocton, in the county of Chautauqua and State of New York, in place of George R. Pettit. Incumbent's commission expired January 13, 1903.

James L. Taylor, to be postmaster at Dobbs Ferry, in the county of Westchester and State of New York, in place of James L. Taylor. Incumbent's commission expired January 13, 1903.

NORTH DAKOTA.

Frank Sims, to be postmaster at Willow City, in the county of Bottineau and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

Charles C. Chapple, to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of Frank M. Shulze, resigned.

Ezra L. Gill, to be postmaster at Sunbury, in the county of Delaware and State of Ohio. Office became Presidential January 1, 1903.

Rolla A. Perry, to be postmaster at Plain City, in the county of Madison and State of Ohio, in place of Daniel Perry, resigned.

James Stoops, to be postmaster at Waynesville, in the county of Warren and State of Ohio. Office became Presidential January 1, 1903.

W. J. Swisher, to be postmaster at Wadsworth, in the county of Medina and State of Ohio, in place of Samuel Andrews. Incumbent's commission expired February 16, 1902.

Ernst H. Weber, to be postmaster at Brooklyn, in the county of Cuyahoga and State of Ohio. Office became Presidential January 1, 1902.

PENNSYLVANIA.

John W. Armstrong, to be postmaster at Eddystone, in the county of Delaware and State of Pennsylvania, in place of John W. Armstrong. Incumbent's commission expires January 31, 1903.

Joseph M. Bloss, to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania, in place of Martin R. Rouse. Incumbent's commission expired December 20, 1902.

Orange S. Brown, to be postmaster at Williamsport, in the county of Lycoming and State of Pennsylvania, in place of Charles W. Scott. Incumbent's commission expired December 21, 1902.

David S. Kern, to be postmaster at Pottsville, in the county of Montgomery and State of Pennsylvania. Office became Presidential January 1, 1903.

D. O. Merrick, to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania, in place of Francis I. Jones. Incumbent's commission expires January 31, 1903.

William H. Pennell, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania, in place of William H. Pennell. Incumbent's commission expired December 20, 1902.

SOUTH CAROLINA.

J. Frank Kneese, to be postmaster at Batesburg, in the county of Lexington and State of South Carolina. Office became Presidential January 1, 1903.

George H. McKee, to be postmaster at Darlington, in the county of Darlington and State of South Carolina, in place of George H. McKee. Incumbent's commission expired January 10, 1903.

SOUTH DAKOTA.

John H. Dobson, to be postmaster at Alexandria, in the county of Hanson and State of South Dakota, in place of John H. Dobson. Incumbent's commission expired January 7, 1903.

TEXAS.

Henry T. Canfield, to be postmaster at Wichita Falls, in the county of Wichita and State of Texas, in place of Henry T. Canfield. Incumbent's commission expired March 31, 1903.

C. E. Littlefield, to be postmaster at Luling, in the county of Caldwell and State of Texas, in place of George W. Stewart, removed.

WISCONSIN.

Charles P. Brechler, to be postmaster at Fennimore, in the county of Grant and State of Wisconsin. Office became Presidential January 1, 1903.

Edwin F. Ganz, to be postmaster at Alma, in the county of Buffalo and State of Wisconsin, in place of Edwin F. Ganz. Incumbent's commission expired January 10, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1903.

CIRCUIT JUDGE OF HAWAII.

John T. De Bolt, of Hawaii, to be first judge of the circuit court of the first circuit of the Territory of Hawaii.

COLLECTOR OF CUSTOMS.

Morton Tower, of Oregon, to be collector of customs for the district of southern Oregon, in the State of Oregon.

POSTMASTERS.

CONNECTICUT.

Walter B. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

ILLINOIS.

William I. Larash, to be postmaster at Rushville, in the county of Schuyler and State of Illinois.

IOWA.

John Meyer, to be postmaster at Alton, in the county of Sioux and State of Iowa.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa.

Gilbert Cooley, to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa.

Andrew H. Bjorgo, to be postmaster at Kensett, in the county of Worth and State of Iowa.

Hiram Lamb, to be postmaster at Murray, in the county of Clarke and State of Iowa.

KANSAS.

William C. Palmer, to be postmaster at Jewell, in the county of Jewell and State of Kansas.

Joseph H. Woollen, to be postmaster at Mankato, in the county of Jewell and State of Kansas.

NORTH CAROLINA.

Walter B. Steele, to be postmaster at High Point, in the county of Guilford and State of North Carolina.

Ella M. Sanders, to be postmaster at Albermarle, in the county of Stanley and State of North Carolina.

OHIO.

William H. Baum, to be postmaster at Batavia, in the county of Clermont and State of Ohio.

Lucius A. Austin, to be postmaster at Granville, in the county of Licking and State of Ohio.

Albert C. Buss, to be postmaster at New Bremen, in the county of Auglaize and State of Ohio.

L. H. Wadsworth, to be postmaster at Wellington, in the county of Lorain and State of Ohio.

Clayton H. Bishop, to be postmaster at Centerburg, in the county of Knox and State of Ohio.

Peter Schatzman, to be postmaster at Glendale, in the county of Hamilton and State of Ohio.

OREGON.

Thomas L. Ambler, to be postmaster at Mount Angel, in the county of Marion and State of Oregon.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Anderson, in the county of Anderson and State of North Carolina.

John W. Dunovant, to be postmaster at Chester, in the county of Chester and State of South Carolina.

VERMONT.

James E. Pollard, to be postmaster at Chester, in the county of Windsor and State of Vermont.

Warner B. Nichols, to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont.

WEST VIRGINIA.

William F. Squires, to be postmaster at Parsons, in the county of Tucker and State of West Virginia.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 14, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

The SPEAKER laid before the House the bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, with a Senate amendment, which was read.

Mr. PAYNE. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

LUMAN FULLER.

The SPEAKER also laid before the House the bill (H. R. 14478) granting an increase of pension to Luman Fuller, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ALBERT H. PHILLIPS.

The SPEAKER also laid before the House the bill (H. R. 14416) granting an increase of pension to Albert H. Phillips, with Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur. The motion was agreed to.

JOHN BRUFF.

The SPEAKER also laid before the House the bill (H. R. 14477) granting a pension to John Bruff, with Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

SARAH E. MORROW.

The SPEAKER also laid before the House the bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

MATHIAS CUSTERS.

The SPEAKER also laid before the House the bill (H. R. 14957) granting an increase of pension to Mathias Custers, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

JOHN BLACKLER.

The SPEAKER also laid before the House the bill (H. R. 11633) granting an increase of pension to John Blackler, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, the beneficiary is dead, and I move that the bill be laid on the table.

The motion was agreed to.

COAL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution No. 888.

Whereas it is claimed that conditions exist involving great hardship, suffering, and distress by reason of the unprecedented scarcity of coal, and it is claimed that combinations or conspiracies exist in and concerning said trade tending to restrain interstate and foreign commerce: Therefore, be it